

Chief Justice Ronald M. George reported on how the courts are doing during his State of the Judiciary Address to a joint session of the Legislature on January 14. *For highlights of the speech, see page 7.*

Revamping Family Court

“Today’s family dysfunction is a harbinger of tomorrow’s court dockets. Absent a concerted effort to mend the social fabric, the consequences of family disintegration will continue to be a burden to the courts, the public schools, and society itself.”

—Justice in the Balance—2020
(Report of the Commission on the Future of the California Courts)

California’s family law courts today are facing the difficult challenge of effectively serving members of the public whose often deep-seated conflicts are revealed in a complex system of justice they can neither understand nor afford. Always a potentially explosive arena, family courts in recent years have been the setting for increasingly angry and violent confrontations.

As the report of the Commission on the Future of the California Courts suggests, the courts are currently facing the consequences of dramatic changes in family structure and dynamics. For example, says noted Princeton University family historian Lawrence Stone, “The scale of marital breakdowns in the West since 1960 has no historical precedent that I know of, and seems unique. There has been nothing like it for the past 2,000 years, and probably longer.”

And what of the children? Most estimates are that only about 50 percent of the children born during the 1970–84 “baby bust” period will still live with both of their natural parents by age 17—a staggering drop from nearly 80 percent, notes Rutgers University Sociology Professor David Popenoe. As dire as this is, a fractured structure is only one problem facing families. The Third National Incident Study of Child Abuse and Neglect, commissioned by the U.S. Department of Health and Human Services, reports that between 1986 and 1993, the number of abused and neglected children rose 98 percent, from 1.42 million to 2.81 million. And, according to statistics gathered by the American Medical Association in 1995, a woman in this country is battered by her partner every nine seconds.

DISCRETE, INTERRELATED FACTORS
For the family courts, the daily challenges consist of three “dis-

crete but interrelated factors” defined in *Family Law Court 2000* (A Proposal to Restructure California’s Forum for the Resolution of Family-Related Conflicts), which was developed by the Family Law Subcommittee of the Judicial Council’s Family and Juvenile Law Advisory Committee. *They are (1) the dramatic increase in unrepresented litigants, (2) the availability and use of diverse and varied forms of family law actions, and (3) increasing complexity of both the substance and procedures of family law itself.*

The subcommittee developed its draft proposal with the input of family law constituents, including bar associations, low-cost legal services providers, domestic violence advocates, specialty bar associations, parents and grandparents’ rights groups, legislative advocates, bench officers, attorneys, and

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Court Closings Averted

The immediate closure of numerous state trial courts was averted with the Governor’s signing of Senate Bill 21 (Locker) on March 4. The measure provides \$290.5 million to fund court operations through the 1996–97 fiscal year, which ends June 30. The measure makes no changes in the current bifurcated trial court funding structure.

Chief Justice Ronald M. George acknowledged that he was “pleased that the immediate crisis facing California’s trial courts has passed,” but stated, “This should not in any way lessen the impetus for a long-term state-funding solution to the fiscal needs of the judicial branch.”

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At 1997 CJAC, Courts Have Their Say

What are the most urgent trends facing the court system? The trial courts? The appellate courts?

Opinions about these issues constituted a major portion of the discussions among nearly 400 judicial officers and court staff from around the state attending the 1997 California Judicial Administration Conference (CJAC) in San Francisco in January.

CJAC attendees met in small groups to discuss and add to a list of trends that was developed from recent survey results of judges and court staff, pinpointing (1) the most urgent trends and (2) the trends the courts have the greatest ability to affect. Conference participants were then asked to discuss and generate action ideas for both trends.

The action ideas were summarized and presented to the full conference during CJAC’s final plenary session. Participants then voted as a group on the most important action the courts at the local level and the Judicial Council at the state level might take to address each trend. (Their choices were calculated instantaneously and presented visually through the electronic OptionFinder.™) The results provide a court’s-eye view of what courts are facing and what they feel they need to do to be more successful.

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Chief Justice
Ronald M.
George

MESSAGE FROM THE CHIEF JUSTICE

Courts Are Leading the Move to Restore Public Confidence in the Judicial System

As I travel throughout the state, I am continually impressed by the dedication and innovation that local courts demonstrate in improving public services, despite the serious financial hardships that so many face. I can cite many examples of ways you are fulfilling a fundamental goal of the judicial system: to keep our courts accessible to the people of this state.

In Ventura County, for example, the courts have introduced a new multimedia kiosk, "QuickCourt," which allows litigants to conveniently obtain and prepare family law and small claims forms. At the Administratively Consolidated Courts of Riverside County, the public can dial into the court's automated case-management system to easily obtain specific information for civil, small claims, unlawful detainer, family law, probate, and criminal cases. In the North Butte County Municipal Court, a special program assists defendants convicted of alcohol-related offenses in their recovery from addiction to alcohol. And

efforts and advisory committee studies have indicated that the issues the judiciary must address, at every court level, are as follows:

◆ **Funding and self-governance:** As we enter the 21st century, the most crucial issue looming before the judiciary is stable funding for the trial courts, which is inexorably linked to the courts' ability to be independent and self-governing. As the Judicial Council continues to advocate for legislation that will provide a secure court-funding method, it also staunchly advocates the judicial branch's commitment to be responsible and accountable for the administration and governance of its affairs.

◆ **Access and fairness:** We all desire a justice system that is responsive, accessible, and fair. To that end, for the past 10 years the Judicial Council has engaged in comprehensive studies on gender, racial, and ethnic fairness in the courts. Most recently, the council received the *Final Report on Racial and Ethnic Bias in the State Courts* and the recommendations of the Subcommittee on Access for Persons With Disabilities. Implementation of proposals resulting from these reports will support the judiciary's commitment to justice that is accessible and fair to everyone.

◆ **Jury system improvement:** Jury service is often the only direct contact that most citizens have with our court system. Calls for jury service are frequently ignored and, when answered, may breed frustration and resentment. The Judicial Council's Blue Ribbon Commission on Jury System Improvement has identified a host of ways to improve the jury system and enhance the experience of jurors. Some recommendations will cost the state money, such as increasing juror compensation, paying for mileage, and reimbursing parking, meal, and child- and dependent-care services. Others, such as working with local officials to offer free public transportation to jurors, already have been tried with some success in counties as disparate as Stanislaus and San Diego.

◆ **Court-community collaboration:** The Judicial Council supports and encourages outreach programs to improve the public's knowledge of the justice system. I recently appointed a special task force to study effective court-community efforts as well. Particularly for those who have had no experience with the courts, such programs provide education and involvement that invariably increase understanding and support for the judicial system.

◆ **Economic access:** Low- and middle-income persons without counsel are a growing segment of our population using the courts. In the face of devastating cuts in legal service programs for the poor, the Judicial Council and the State Bar are working cooperatively to broaden access to the courts. In a letter to all California lawyers last year, I encouraged more pro bono activity by attorneys.

◆ **Planning for the future:** A statewide court-community planning workshop scheduled for September will bring together teams of judges, administrators, attorneys, and members of the public from each county. They will learn about innovative ways to engage in strategic planning for their local courts. The goal is to increase community involvement and investment in their courts.

IMPROVEMENT AND INNOVATION

The issues facing the judiciary are significant, but addressing them together—at every court level and with the public—offers countless opportunities for improvement and innovation. Let us welcome the challenge and encourage participation as we discuss the problems and seek solutions that benefit us all. No less than the future of the judicial system depends on our willingness to reach out to the public and provide them with the accessible and fair justice they desire and deserve.

With the dedication and talent I have seen in courts across the state, I am confident that we are up to this challenge and that our efforts will result in a vital, energized court system that earns both the respect and support of the people we serve.

"Within our grasp is the capacity to assist each individual who comes through the courthouse doors, and to positively affect the public's faith and trust in the entire justice system."

in the Combined Trial Courts of the South Bay in San Diego and the Citrus Municipal Court in Los Angeles, specialized one-judge courts are devoted to expeditiously and effectively handling domestic violence cases.

Those of you who serve on the front lines of the justice system know better than anyone that these programs are making a difference in improving access—and thus the public's confidence in the justice system. That confidence is crucial to maintaining the continued vitality and effectiveness of our branch of government.

We should not only recognize our significant and vital leadership role, but welcome this exciting proposition: *Within our grasp is the capacity to assist each individual who comes through the courthouse doors, and to positively affect the public's faith and trust in the entire justice system.*

FEEDBACK CAN LEAD TO IMPROVEMENT

An opinion poll conducted for the Commission on the Future of the California Courts in 1993 revealed that people were split on their views about the court system. Almost half evaluated the courts as good, very good, or excellent, while 52 percent said they had an only fair or poor opinion of the job we are doing. Other studies, however, noted that citizens with firsthand recent experience with the courts held them in remarkably high regard.

The commission's research—the first known work of its kind in California—provided the judiciary with cause for both encouragement and concern. It was heartening to discover that the public cares deeply about the quality of justice. Survey respondents expressed the desire that justice be available to all Californians, in the form of quality judicial officers, fair treatment for users, and affordable legal services. Worrisome, however, were the public's perceptions of unfairness, and its uncertainty about our courts' ability to deliver quality justice consistently.

Public perceptions about the courts also are colored by press reports on sensational criminal cases. These reports have increased public scrutiny of the courts, often unaccompanied by much-needed education about the important role that an independent court system plays in our society.

While the judiciary should not stake its future on the results of opinion polls or press reports about high-profile cases, we can accept them for what they are—a gauge of how we are perceived by the public we serve.

LAYING THE GROUNDWORK

What we can and should do is enhance public confidence by continuing to strengthen and improve the judicial branch. The Judicial Council's strategic planning

Improving Response To Family Violence

The federal crime bill for the first time singles out and appropriates monies for grants under the Violence Against Women Act, while Governor Pete Wilson signed all domestic violence-related bills that reached his desk in 1996. Such is the extent to which the movement to eradicate family violence is being felt.

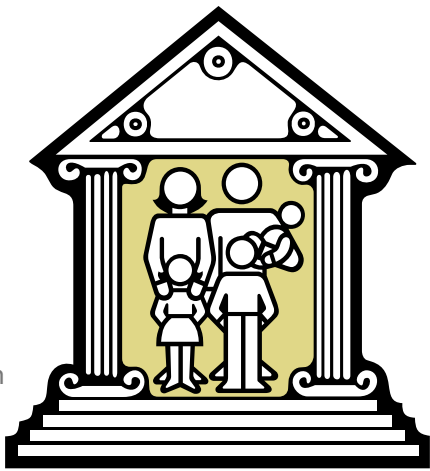
In California, the coordinated effort is alive and well to keep families safe and reduce the violence that splinters them, as was evidenced by the Second Annual Reunion of “Family Violence and the Courts: A California State Conference” held in January in Oakland.

More than 350 representatives from 45 counties attended the conference to learn about the latest efforts to assist them, including state and federal legislation and case law, and to exchange ideas on how to be more effective.

Since the first conference sponsored by the Judicial Council in September 1994—which marked the beginning of a concerted effort to generate a discussion on how to better handle and reduce the number of family violence cases—counties statewide have been demonstrating remarkable progress in an area that continues to impact every segment of society, including the justice system.

Conference attendees from some counties reported that their broad-based family violence coordinating councils have developed curriculum to educate youngsters that violence is not the proper method for resolving disputes; uniform, countywide protocol for policing agencies when filing family violence incident reports; and a mentoring system for victims, including the representation of victims on the councils.

At least two courts have courtrooms dedicated to domestic violence cases, and the judges from those courts—South Bay Municipal Court (San Diego) Judge William S. Cannon and Citrus Municipal Court (Los Angeles) Judge Dan Thomas Oki—explained the procedure they use, noting recidivism rates are 3 percent and 2 percent, respectively, among the offenders who come through their courts and complete the batterers’ treatment program and other conditions of probation; statewide, the recidivism rate for domestic violence offenders is 15 percent.



Family Court

Continued from page 1

others. The *Family Law Court 2000* draft proposal, which represents the subcommittee’s work after considering the comments received during statewide public hearings last year, also addresses the need to simplify procedures and forms and to revitalize the bar’s role in family law cases.

At the heart of the proposal is the recognition that—while the need is clear to maintain the court as a final arbiter—a shift in emphasis is necessary from a litigation and adversarial process to one of mediation, negotiation, and settlement. States the report:

“What is unique to the family law system is that the court presides over the legal alteration of family relationships, with all

of the attending emotional and psychological upheaval. The adversary system tends to exacerbate the already strained relationship of the parties. . . . To the extent that our system promotes and encourages conflict between parents, it fails to serve the best interests of children.”

SYSTEMIC CHANGES

The proposal suggests some changes in the family law court’s structure, addressing procedures only and not substantive law. These include simplified forms; automatic stipulation to have the case heard by a commissioner; in the court’s discretion, allowing telephonic hearings in certain situations; and the use of a single court file for all family law proceedings between any two parties.

The new system’s structure would also provide and encourage litigation alternatives, such as a “help center” to provide litigants with information about court procedures, offering appropriate forms to file and assistance in filling them out, helping the parties reach and write agreements, and then getting the court’s approval of the agreements. The new structure would also urge the legal profession to explore better ways to provide legal services to unrepresented parties in family law matters, including limited repre-

sentation, such as consultation only, and more effective use of supervised paralegal services.

COMMENT SOUGHT

Draft rules, currently out for public comment, were developed to attain family court objectives recommended in the report, such as settlement as the preferred process and simplicity. Following receipt of comments, any necessary refinement of the rules, and final approval by the Judicial Council, the rules will govern pilot projects in counties participating in the *Family Law Court 2000* pilot project. The pilot counties will test the new procedures, including simplified forms, one file—one family, and evidence modifications, to some degree. The program will be in effect for two years, beginning in July, and involve at least four courts, reports Santa Clara County Superior Court Commissioner Mary Ann Grilli, chair of the Family Law Subcommittee. “We are going to be following the draft rules very closely into the pilot phase to make sure concerns raised in the public hearings are addressed,” she says.

If the rules, in fact, are successfully implemented, there will be a need to very carefully examine family law and a need for change, with an eye toward implementing changes in 2000, Commissioner Grilli suggests. ■

Take Note

To receive a copy of the draft California Rules of

Court for the *Family Law Court 2000* pilot project, rules 1260–1268, or to provide comments, contact Christina Portades, at Council and Legal Services, Administrative Office of the Courts, 303 Second Street, South Tower, San Francisco, CA 94107, (415) 396-9137 (CALNET 8-531-9137), fax: (415) 396-9358 (CALNET 8-531-9358).

For copies of *Family Law Court 2000* (A Proposal to Restructure California’s Forum for the Resolution of Family-Related Conflicts), call the Publications Hotline, (415) 904-5980 (CALNET 8-539-5980), or 1-800-900-5980 (in California).

Goal: Permanency For Children

“Permanency for Children—Fulfilling the Promise” was the theme of the eighth annual “Beyond the Bench” conference, which has expanded over the years as the issues involving the welfare and protection of children have become increasingly complex. The statewide conference was held in San Francisco in December.

The conference traces its beginnings to Public Law 96-272. Enacted in 1980, the federal legislation instructs states on how to deliver services to children and families and also instructs courts on how to oversee the delivery of those services. The legislation continues to have a major effect on policies affecting families and the courts, particularly amid current welfare reform efforts and President Clinton’s recent directive to the federal government to take steps to double the number of children moved from foster care to adoption over the next six years.

“Public Law 96-272 thrust juvenile court judges and social service agencies together for the first time,” said Santa Clara County Superior Court Judge Leonard P. Edwards, chair of the Juvenile Law Subcommittee of the Judicial Council’s Juvenile and Family Law Advisory Committee. This year, the conference drew together 400 juvenile and family court judges, professionals from state and local child welfare agencies, and leading state and national experts.

BETTER PRACTICES

The purpose of the groups getting together has been to develop better practices, says Judge Edwards, pointing out, “It is the same children and families we are all concerned about.”

In plenary sessions and in workshops led by state and nationally respected experts, attendees had the opportunity to learn more about such issues as the developmental neurobiology of children, representing children in dependency appellate cases, medical/forensic issues in child welfare, and home visiting. Conference attendees also discussed and sought solutions to issues such as domestic violence and the protection of children, drug-exposed infants and child welfare, mediation of child-welfare cases, confidentiality and the media, innovative approaches to kinship placement, and adoptions.

“Beyond the Bench VIII: Permanency for Children—Fulfilling the Promise” was a joint venture of the Judicial Council; National Council of Juvenile and Family Court Judges; Juvenile Court Judges of California; County Welfare Directors Association; California State Department of Social Services; California Association of Deans and Directors of Schools of Social Work and Social Welfare; the San Francisco Bar Association/Lawyer Referral Service; and the California CASA (Court Appointed Special Advocates) Association.

Task Force Assembled to Clarify Jury Instructions



Justice Carol Corrigan

Drafting civil and criminal jury instructions that accurately state the law and are understandable to jurors is the charge of the statewide Task Force on Jury Instructions, appointed by Chief Justice Ronald M. George in December.

Justice Carol Corrigan of the Court of Appeal, First Appellate District, Division Three (San Francisco), is the task force chair, and Justice James D. Ward of the Court of Appeal, Fourth Appellate District, Division Two (San Bernardino), is vice-chair. The task force will look at jury instructions as a whole to see what can be done to improve them, according to Justice Corrigan. "I'm sure it will be an interesting experience, and I'm hopeful it will be a fruitful one," she says, adding, "I hope we are met with more success than the poor souls whose task was translating King James's version of the Bible."

The Judicial Council recommended the creation of the task force, following the coun-

cil's review of the report and recommendations of the Blue Ribbon Commission on Jury System Improvement.

MEMBERSHIP

The broad-based, 25-member Task Force on Jury Instructions consists of representation from judges, attorneys, and academicians. Two public members and an official reporter will be appointed later. Two law professors, one of whom is a linguist by training, and a communications studies professor are among the appointees.

Also among the appointees are four judges and three attorneys who serve on either the Los Angeles County Superior Court's civil or criminal Committee on Standard Jury Instructions. From the civil committee are Judge Abbey Soven, Judge Frederick J. Lower, Jr., and Attorney Ian Herzog. From the criminal committee are Judge Florence-Marie Cooper, Judge Howard Schwab, Assistant Attorney General Carol Wendelin Pollack, and Chief Assistant State Public De-

fender Jeffrey Gale.

Other members of the task force are Nevada County Superior Court Judge John H. Darlington; Lassen County Superior Court Judge Joseph B. Harvey; Professor of Law James Hogan, University of California, Davis; Sacramento County Superior Court Judge Harry E. Hull, Jr.; Attorney Edith R. Matthai, Los Angeles; Special Assistant Attorney Carol Najera, Office of the District Attorney, Los Angeles; San Diego Municipal Court Presiding Judge Michael B. Orfield; Ventura County Superior Court Judge Steven Z. Perren; Assistant Attorney General Tyler Pon, San Francisco; Professor of Communications Studies Paul Rosenthal, University of California, Los Angeles; Attorney Elisabeth Semel, San Diego; Attorney Christine Spagnoli, Santa Monica; Marin County Superior Court Judge Lynn O'Malley Taylor; Professor of Law Peter Tiersma, Loyola Law School, Los Angeles; Sacramento County Superior Court Judge Ronald W.

Tochterman; and San Diego County Superior Court Judge Thomas J. Whelan.

BACKGROUND

The Judicial Council's first effort in recent history to undertake a comprehensive review of the jury system, the Blue Ribbon Commission on Jury System Improvement was charged with overseeing the systematic study of jury issues and practices and making recommendations for improvement to what many consider a system in need of repair. The 26-member panel—chaired by retired San Francisco County Superior Court Judge Roy Wonder, with retired U.S. District Court Judge Charles B. Renfrew serving as vice-chair—included judges, representatives of the executive and legislative branches, court administrators, attorneys, and members of the public.

In addition to acting on the commission's recommendation to create the Task Force on Jury Instructions, the Judicial Council in November voted to sponsor jury-system improvement legislation this year that would, among other provisions, raise juror-payment fees and make jury service mandatory for all qualified citizens. (See Court News, December 1996-January 1997, p. 7, "Council to Sponsor Jury Legislation.") ■

CJAC

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The eight court trends discussed at the conference appear below, with the single most important action at the court level (a) and the single most important action at the state level (b) identified according to the most votes received.

1. Court coordination/consolidation

- (a) Just do it!
- (b) Apply effective rewards and sanctions to implement coordination and establish a verification process.

2. Increased need for the courts to communicate effectively with each other and the Judicial Council

- (a) Take advantage of electronic methods of communication (e.g., e-mail, video conferencing, Internet).
- (b) Increase Judicial Council and Administrative Office of the Courts (AOC) personal outreach to the courts.

3. Increased competition among government agencies for limited public funding

- (a) Advocate needs of courts when increased resources are provided to other parts of criminal justice system (e.g., law enforcement, district attorney).
- (b) Restructure payment of fines and fees collected from state to Trial Court Budget Commission for distribution to court.

4. Increased use of technology to improve case processing and the dispensation of justice

- (a) Use technology to increase public access to the courts (e.g., kiosks, e-mail, Web pages).

- (b) Create statewide network system with common database.

5. Increased need for continuing education and training for judicial officers and court staff

- (a) Take advantage of available resources among courts, counties, and regions, using technology, co-ops, AOC staff.

- (b) Increase emphasis on education by seeking grants and other outside funding for training and scholarships.

6. Jury system improvement

- (a) Improve support services for jury service (e.g., transportation, parking, child care).

- (b) Increase compensation for jury service.

7. Disincentive to remain on bench once maximum retirement benefit is fully vested (no senior status)

- (a) Make greater use of senior status legislation.

- (b) Extend to appellate judges the same post-retirement compensation that retiring superior court judges receive.

8. Increased need for management expertise by judges and court personnel

- (a) Require management training for presiding judges before assuming office, and provide relief to attend training.

- (b) Develop and offer additional CJER/JAIC management courses.



The conference results will be used by the Judicial Council in its long-range strategic planning process and in future planning activities involving all the state's courts.

LEADERSHIP ADVICE

With the theme "The Judiciary—Functioning Successfully as the Third Branch of Government," CJAC also offered attendees opportunities to examine the current state of the judiciary and future possibilities.

Dr. Ronald J. Stupak, dean of the Executive Leadership Center at Mount Vernon College and a distinguished management research scholar, observed that "all great leaders are opportunity-driven, not threat-driven, and are always looking for options and opportunities." He urged the courts' leaders to be "change-creators"; to develop "scarcity sensitivity" and learn budgeting and financial planning; to accept the fact that judges are leaders and need to get out of their "comfort zone and into a maximum stretch zone"; and to become "feedback junkies" by going out, talking with people, and seeing how things are functioning.

Dr. Stupak described the nature of systems today, such as the end of monopolies and the eradication of boundaries. Warning that systems, including the judiciary, must be "sophisticatedly interdependent" and willing to share power and build coalitions, he urged leaders to accept the assumption that "the future is something we create, not something we enter."

In a unique participatory effort at the 1997 California Judicial Administration Conference, judicial officers and court personnel prioritized important trends and identified what can be done at the local and state levels to address them.

Plans to Be Developed to Improve Fairness in Courts

Judicial Council Goal I: Access, Fairness, and Diversity—Improve access, fairness, and diversity in the judicial branch.

—Leading Justice Into the Future
(Judicial Council of California Long-Range Strategic Plan, Adopted March 1995)

The Judicial Council has directed its Access and Fairness Advisory Committee to develop implementation plans that will address issues raised in reports of two of its advisory panels—the Advisory Committee on Racial and Ethnic Bias and the Subcommittee on Access for Persons With Disabilities. The council will consider the recommendations contained within the implementation plans of the Access and Fairness Advisory Committee, chaired by South Bay Municipal Court (Los Angeles) Judge Benjamin Aranda III, at a future meeting.

In presenting its 247-page *Final Report of the California Judicial Council Advisory Committee on Racial and Ethnic Bias in the Courts*, the Advisory Committee on Racial and Ethnic Bias underscored the fact that the final report did not represent an event but, rather, a step in the process. It is “a process of self-examination,” which, noted advisory committee co-chair retired Supreme Court Justice John A. Arguelles, has been emulated in

of color, family and juvenile law, sentencing, the jury system, and the mass media.

The more than 50 recommendations that were developed are consistent with the Judicial Council’s Long-Range Strategic Plan, in which access and fairness in the state court system are targeted as primary goals.

- HIGHLIGHTS**
- Among the proposals, the committee recommended that:
- The Judicial Council widely disseminate the final report to educate judges and court personnel about the public perception that bias and insensitivity toward minority and non-English-speaking litigants and their attorneys exist; and to reassure the public that their views are taken seriously.
 - The Judicial Council direct the Center for Judicial Education and Research and the Judicial Administration Institute of California to incorporate the findings, conclusions, and recommendations of this report into its educational programs for bench officers and court staff.

the local courts to establish standing bench/bar and media advisory committees to make ongoing recommendations on how the courts and the media can work together to assist in eliminating bias in the courts.

“As leaders and participants in the court system, we have a special interest and obligation to ensure that justice is administered not only free from bias but also free from the perception of bias.”

—Chief Justice Ronald M. George
Judicial Council meeting, January 29, 1997

BUILDING CONFIDENCE

“As leaders and participants in the court system, we have a special interest and obligation to ensure that justice is administered not only free from bias but also free from the perception of bias,” stated Chief Justice Ronald M. George in his remarks at the January 29 meeting, where the work of the Advisory Committee on Racial and Ethnic Bias was received.

“The judiciary, of course, cannot solve all of society’s problems in the area of racial and ethnic bias or suspicion [of bias]. But we are the branch of government with the express obligation to provide the fairest administration of justice possible. It is, therefore, highly appropriate that we actively survey our own operations to find ways to ensure that those we serve can rest confident in our ability to be fair. And by building the confidence of the public we serve, we also enhance the strength and independence of the entire judicial branch. If we do not have the trust and support of the public, our ability to provide meaningful justice may well be put at risk,” the Chief Justice concluded.

ities have less access to court programs, activities, and services than persons without disabilities.

BACKGROUND

Former Chief Justice Malcolm M. Lucas appointed the Advisory Committee on Racial and Ethnic Bias in March 1991, with the mandate to study racial and ethnic bias in the state court system. This mandate evolved into a commitment to (1) study the treatment of racial and ethnic minorities in the state courts, (2) ascertain public perceptions of fairness or lack of fairness in the judicial system, and (3) make recommendations on reforms and remedial programs, including educational programs and training for the bench, the bar, and the public.

From 1991 to 1992, the advisory committee held 13 days of public hearings in 12 cities

throughout the state. The committee also conducted a public opinion survey to measure attitudes toward the state courts. Concurrent with the public opinion survey, a demographic survey of California trial court personnel was conducted.

The final report, which contains an executive summary and the committee’s conclusions and recommendations to the council, is the fourth and last in a series of four reports submitted to the Judicial Council by this advisory committee (see box below). ■



Justice John A. Arguelles



Justice Allen E. Broussard



Judge Benjamin Aranda III

many other courts and federal districts across the country. Retired state Supreme Court Justice Allen E. Broussard, now deceased, also served as co-chair.

The recommendations in the report (which is dedicated to Justice Broussard) were developed based on findings that confidence in the California court system’s ability to provide equal justice is comparatively lower among many groups of minorities and women. The report also disclosed that the majority of nonattorney Californians of all groups polled had an “only fair” or “poor” opinion of the state court system overall. These findings were the result of surveys and public hearings in which opinions and experiences were shared in the following areas: courtroom experience, treatment of counsel, language and cultural barriers, diversity, women

- The Judicial Council encourage the local courts to develop outreach programs designed to enhance access to the courts for minority and non-English-speaking persons.
- Pursuant to California Standards of Judicial Administration, section 1, judges should monitor their courtrooms and intervene when instances of racial bias occur. Accordingly, judges should consider referring court personnel who exhibit biased behavior to diversity training.
- The Judicial Council communicate to the appropriate law school officials the recommendation that law schools encourage and actively recruit law students from racial and ethnic minority groups for judicial clerkships and student internships in the courts.
- The Judicial Council, in conjunction with the California Judges Association, work with

PERSONS WITH DISABILITIES

At its January 29 meeting, the council also received the executive summaries of survey and public hearing reports, findings, conclusions, and recommendations of the Subcommittee on Access for Persons With Disabilities of the council’s Access and Fairness Advisory Committee.

Based on seven public hearings, recent surveys, and more than 150 qualitative interviews, the advisory committee concluded that many Californians believe that persons with disabili-

From the Library

The following reports have been produced by the Advisory Committee on Racial and Ethnic Bias during the course of its work:

- *Final Report on Racial and Ethnic Bias in the State Courts, and Conclusions and Recommendations* (San Francisco: Administrative Office of the Courts, 1997)
- *Racial and Ethnic Composition of the California Trial Courts* (San Francisco: Administrative Office of the Courts, 1995)
- *Fairness in the California State Courts: A Survey of the Public, Attorneys, and Court Personnel* (San Francisco: Administrative Office of the Courts, 1993)
- *1991–1992 Public Hearings on Racial and Ethnic Bias in the State Courts* (San Francisco: Administrative Office of the Courts, 1993)
- Contact: For copies of the reports, call the Publications Hotline, (415) 904-5980 (CAL-NET 8-539-5980), or 1-800-900-5980 (in California).



Chief Justice: Visits 'Educational,

Nearly half way toward his goal of visiting the courts in all 58 counties and six appellate districts, Chief Justice Ronald M. George is making a positive impression and forming one of his own. "I have found these visits both educational and inspiring as I experience the vast array of talent among court staff and judges," he said in his opening remarks at the 1997 California Judicial Administration Conference (CJAC).



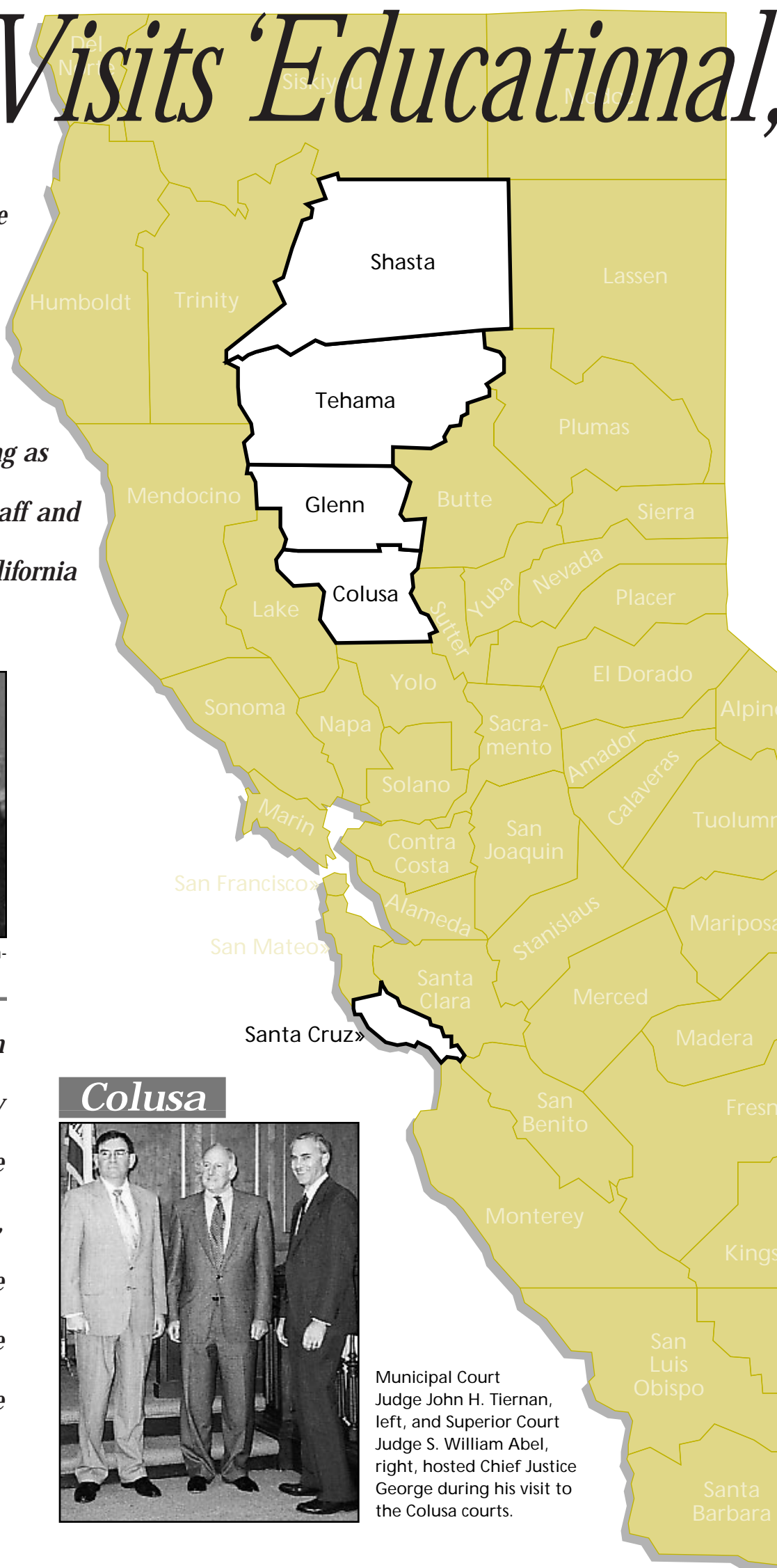
Chief Justice George swore in members of the Senate when lawmakers reconvened in December 1996. Photo: Harry Kinney.

As for the impression the Chief Justice is making on the courts and the other branches, Senate Judiciary Committee Chair John Burton, a CJAC speaker on the "Legislative Communications and Relations" panel, summed it up succinctly: "The judiciary is going to be seen in a much better light because of the work of the Chief Justice. He's a damned good ambassador for the judiciary." ■

Glenn



At the Glenn courts, Chief Justice George and Administrative Director of the Courts William C. Vickrey, second from left (front row), were greeted by, left to right, Municipal Court Judge Angus I. Saint-Evens, Executive Officer Linda Millsbaugh, and Superior Court Judge Roy MacFarland; second row, Bailiff Rachel Duckett, Court Secretary Mickey Kistner, Deputy Court Clerks Salina Edwards and Kerri Howard, GCS Representative Martha Parker, Fiscal Assistant Kathy Torres, and Deputy Court Clerks Norma Chavez, Carolyn McDonald, and Bobette Enos; back row, Bailiff Shawn Williams, Court Reporter Deanna Jones, Deputy Court Clerk Bonnie Lapp, Temporary Office Assistant Carolyn Pendergrass, Deputy Court Clerks Jewel Flood and Kathy Caviglia, Senior Court Clerks Julie Molleson and Josie Nordel, and Conciliation Counselor Sandra Small.



Colusa



Municipal Court Judge John H. Tiernan, left, and Superior Court Judge S. William Abel, right, hosted Chief Justice George during his visit to the Colusa courts.

Santa Cruz



Joining Chief Justice George at the Santa Cruz Consolidated Courts are, left to right, Traffic Referee John Mulligan, Clerk of the Supreme Court Bob Wandruff, Superior Court Commissioner Charlotte Cloud, Municipal Court Judge Michael Barton, Municipal Court Judge Richard McAdams, Superior Court Presiding Judge William Kelsay (in back), Executive Officer of the Courts Christine Patton, Municipal Court Judge Robert Attack, Municipal Court Judge Heather Morse, Municipal Court Commissioner John Salazar, Municipal Court Judge Thomas Kelly, Superior Court Judge Kathleen Akao, and Superior Court Judge Robert Yonts.

Inspiring

Shasta



Chief Justice George participated in the rededication of Shasta County's 40-year-old courthouse with, left to right, Municipal Court Judge Gregory M. Caskey, Municipal Court Judge Monica Balvage, Presiding Judge Wilson Curle, Assistant Presiding Judge Bradley L. Boeckman, Superior Court Judge Richard A. McEachen, Superior Court Judge Steven E. Jahr, Municipal Court Judge Anthony A. Anderson, Superior Court Judge James Ruggiero, Municipal Court Commissioner E. Beth Livezey, and Superior Court Commissioner Carroll A. Ragland.

Tehama



Chief Justice George was greeted at the Tehama County Courts by, left to right, Deputy Court Executive Officer/Manager of Municipal Court Operations Irene Rodriguez, Court Executive Officer/Clerk Jeanine Butler, Municipal Court (Southern Division) Judge Elmer R. Jennings, Tehama County Courts then-Presiding Judge Noel Watkins (who retired December 31, 1996), Superior Court Judge Dennis F. Murray (who became Tehama County Courts Presiding Judge effective January 1, 1997), and Municipal Court (Southern Division) Judge Edward J. King III.

Tulare

Kern

San Bernardino

Ventura

Los Angeles

4th DCA, Div. 2



At Division Two of the Fourth District Court of Appeal (San Bernardino), Chief Justice George and Administrative Director of the Courts William C. Vickrey, second from left, visited with, left to right, Justice Thomas E. Hollenhorst, Justice Art W. McKinster, Justice James D. Ward, and Presiding Justice Manuel A. Ramirez. Justice Betty Ann Richli is not pictured.

Riverside

Imperial

The State of the Judiciary

Legislators heard from Chief Justice Ronald M. George during his State of the Judiciary Address about how the courts are doing and what they will need in the future to remain accessible and fair forums for the adjudication of people's disputes. The Chief Justice's address on January 14 was his second such appearance since taking office last May.

The Chief Justice also took the occasion to thank lawmakers for their work in the last session, including the creation of 21 new trial court judgeships and five new appellate court judgeships; the provision of funds to establish Three-Strikes Relief Teams (*see story, page 11*); the passage of a measure designed to expedite the record-correction process in capital appeals; and the placement of SCA 4 on the ballot in June 1998, which could result in complete unification in each county upon the majority vote of the municipal and of the superior court judges within each county.

The following are highlights of Chief Justice George's remarks:

◆ **Funding stability:** "The one reform necessary for success in preserving our fundamental system of justice is ensuring a stable, adequate source of funding for the courts. . . . I firmly believe that the quality of justice cannot and must not be allowed to vary county to county, dependent upon the ability and willingness of each county to adequately fund its courts in the face of the other growing demands upon county government."

◆ **More judgeships:** "Last year, [the Judicial Council's Court Profiles Advisory Committee] identified a need for 61 positions, and we were pleased that the judgeships that were created tracked the priority set by the committee's recommendations. An acute need for additional trial court judgeships remains, and this year you will be asked to consider creating the remaining 40 of these most needed new positions."

◆ **Capital appeals:** "Our court is very concerned with the problem

of unrepresented defendants on death row—147 at last count—and we hope that in the coming session you will carefully consider measures coming before you that can help alleviate this problem."

◆ **Coordination:** "The benefits are clear. Coordination eliminates redundant case processing. It reduces costs for courts, litigants, and taxpayers alike. Coordination enables courts to best use all resources, helping them to weather budget cuts, and affording greater flexibility."

◆ **Jury system improvement:** "Some proposed measures will cost the state money. . . . Others, such as encouraging local officials to negotiate with local transportation providers to offer free public transportation to jurors already have been tried with some success in counties as disparate as Stanislaus and San Diego. . . . One approach successfully used in several venues is to limit service to one day, one trial. . . . Another possible initiative would be to encourage public and private employers to continue to pay salaries while employees serve on juries. . . . We must explore and encourage implementation of these and related measures that will restore the public's willingness to participate and its confidence in our jury system."

◆ **Outreach:** "I resolved to visit the courts in every county—something, I am told, that no prior Chief Justice of our state had set out to do. There are those who have suggested that perhaps I should be committed for having made such a commitment, but by the end of 1996, I had journeyed to 20 of the 58 counties. I hope to visit the courts in the remaining 38 counties by the end of this year. It has been a truly invigorating and inspiring enterprise."

● **Contact:** For copies of Chief Justice Ronald M. George's State of the Judiciary Address to the Joint Session of the California Legislature (January 14, 1997), call the Publications Hotline, (415) 904-5980 (CALNET 8-539-5980), or 1-800-900-5980 (within California).

San Bernardino



During his visit to the San Bernardino County Courts, Chief Justice George stopped at Department 2 at the Central Courthouse and met with, left to right, front row, Municipal Court Judge W. Robert Fawke, retired Superior Court Judge Carl E. Davis, Superior Court Judge Brian S. McCarville, Superior Court Judge Patrick J. Morris, Municipal Court Judge Michael M. Dest, Superior Court Judge Bob N. Krug, Municipal Court Judge Tara Reilly, and Municipal Court Judge Christopher J. Warner; back row, Superior Court Commissioner Kathleen Bryan, Superior Court Judge Michael Smith, Municipal Court Judge Ronald Christianson, Superior Court Judge Craig S. Kamansky, Superior Court Judge Roberta McPeters, Superior Court Presiding Judge Joseph E. Johnston, Superior Court Judge Walter Blackwell, Superior Court Commissioner Bobby R. Vincent, Superior Court Judge James C. McGuire, Municipal Court Presiding Judge Raymond P. Van Stockum, Superior Court Commissioner Frank O. Tetley, and Municipal Court Judge John P. Wade.

Mark Your Calendars: BDP Highlights

Trial courts, take note of the following important dates, provided by the Trial Court Budget Commission (TCBC), for your fiscal year 1998-99 Budget Development Packages (BDPs):		
	July 24	TCBC reviews and adopts BEAC recommendations regarding initial FY 1998-99 budget
	July 31	Notices sent to trial courts and counties of TCBC's initial decision
	Aug. 18	Deadline for courts and counties to submit comments to AOC on initial TCBC action
	Sept. 2-4	BEAC meets to consider appeals in San Francisco
	Sept. 11	TCBC reviews and adopts BEAC recommendations regarding final FY 1998-99 trial court budgets
	Oct. 9	Judicial Council meets to approve final TCBC FY 1998-99 budget recommendations
	Nov. 1	Approved budget is submitted to State Department of Finance
	November	Trial courts notified of final FY 1998-99 Judicial Council-approved budget

TCBC MEETING SCHEDULE

The following is the Trial Court Budget Commission's schedule of meetings:

DATE	PLACE	PURPOSE	TIME
April 24	TBA	Business Meeting	10 a.m.-3:30 p.m.
June 30-July 3	San Francisco	BEAC Review Session	TBA
July 24	San Francisco	Business Meeting	10 a.m.-3:30 p.m.
Sept. 2-4	San Francisco	BEAC Appeals Session	TBA
Sept. 11	Los Angeles	Business Meeting	10 a.m.-3:30 p.m.
● Contact: Jerry Yalon, (415) 396-9293 (CALNET 8-531-9293), or Lesley Duncan, (415) 396-9306 (CALNET 8-531-9306), both in Court Program Services.			

Council Approves Priority Ranking Of 44 Judgeships

The Judicial Council at its January 29 meeting approved the priority ranking of 44 judgeships by severity of need, as recommended by the Court Profiles Advisory Committee, and provided the list to the Governor and the Legislature. The action followed the budget request submitted to Governor Pete Wilson last November for 40 new judgeships, for which the Governor has provided in his fiscal year 1997-98 budget proposal.

The Court Profiles Advisory Committee's judgeship-needs recommendation for 44 judgeships-41 at the superior court level and 3 at the municipal court level-was not intended to reflect "absolute total need" for any court requesting judicial positions, according to the committee's report, but represented its evaluation of apparent and critical need given the information available.

The committee evaluated judicial-needs requests for 188 judges and commissioners that were received from 31 superior, municipal, and consolidated courts representing 24 counties.

● Contact: Denise Friday, Court Program Services, (415) 396-9313 (CALNET 8-531-9313).

COURTS IN 'CRITICAL' NEED
The courts in critical need of judgeships, as identified by the Court Profiles Advisory Committee, are listed below (courts with the same number are tied) beginning with the greatest severity of need (each mention represents one judgeship):

1. East Kern Municipal
2. South Orange Municipal
3. Butte
4. San Bernardino
4. North County Municipal (San Diego)
4. San Joaquin Superior
7. Sacramento
8. San Diego Superior
9. San Bernardino
10. Sonoma
11. Orange Superior
11. Alameda Superior
13. San Diego Superior
14. Sacramento
15. Contra Costa Superior
15. Fresno
17. Riverside
18. San Bernardino
19. Orange Superior
20. San Diego Superior
21. Ventura
22. Los Angeles Superior
23. Sacramento
24. Riverside
25. Los Angeles Superior
26. San Bernardino
27. Los Angeles Superior
28. Alameda Superior
28. San Francisco Superior
28. Orange Superior
31. San Diego Superior
32. Fresno
33. Los Angeles Superior
34. Los Angeles Superior
35. Los Angeles Superior
36. Sacramento
37. Riverside
38. San Bernardino
39. Los Angeles Superior
40. Orange Superior
41. San Diego Superior
42. Los Angeles Superior
43. Los Angeles Superior
44. Los Angeles Superior



Judge William A. McKinstry

Probate, Mental Health Task Force Appointed

A recently appointed Task Force on Probate and Mental Health will assist the Judicial Council on probate and mental health issues-special areas of judicial administration that have experienced numerous changes in recent years, particularly as a result of new legislation.

The task force, appointed by Chief Justice Ronald M. George on December 20, will advise the council on required revisions to current council forms, proposed new forms, uniform statewide rules of probate procedure, needed actions on mental health issues, and new and pending legislation.

Alameda County Superior Court Judge William A. McKinstry will chair the task force, which is composed of experienced judges, commissioners, probate court attorneys, private and public attorneys, and a probate investigator.

The task force's projected timeline calls for its work to be completed this year, including the development of certain new forms and rules; a recommendation on the feasibility of uniform statewide probate rules; and an update of the *Handbook for Conservators*. To that end, the task force is seeking suggestions on needed revisions to existing probate forms and procedures, and needed new forms.

MEMBERSHIP
Members of the task force are Attorney Andrew Bridge, Alliance for Children's Rights, Los

Angeles; Humboldt County Superior Court Judge J. Michael Brown; Attorney James R. Cody, Burlingame; Santa Clara County Superior Court Judge Alden E. Danner; Los Angeles County Superior Court Judge Arnold H. Gold; Probate Attorney Don E. Green, Sacramento County Superior Court; Probate Attorney Theodore C. Luebkehan, Santa Clara County Superior Court; San Diego County Superior Court Judge Thomas R. Murphy; Attorney Betty Orvell, Oakland; Deputy Fresno County Counsel Holley H. Perez; Attorney Matthew S. (Sandy) Rae, Jr., Los Angeles; Los Angeles County Superior Court Judge Harold E. Shabo; Court Investigator Mark Williamson, Shasta County Probate and Family Services; and San Francisco Superior Court Commissioner Carol Yaggy.

● Contact: Ben McClinton, Attorney, Council and Legal Services, Administrative Office of the Courts, 303 Second Street, South Tower, San Francisco, CA 94107, (415) 396-9133 (CALNET 8-531-9133), fax: (415) 396-9358 (CALNET 8-531-9358), or e-mail: ben_mcclinton@jud.ca.gov. ■



How It Works

Instituted by the Judicial Council in 1991, the Ralph N. Kleps Improvement in the Administration of the Courts Award recognizes the exemplary projects of local courts throughout the state that improve the administration of justice. The award is named for the first Administrative Director of the California Courts, who served from the creation of the Administrative Office of the Courts (AOC) in 1960 to July 1, 1977.

Nomination forms for the award are distributed to all courts in the fall, and nominations are reviewed by the Planning Committee of the California Judicial Administration Conference (CJAC) Planning Committee. (CJAC is the premier event for judges and court administrators sponsored annually by the Judicial Council/AOC.) The committee makes its recommendations to the Judicial Council at the council's November meeting. Winners receive the award at a ceremony during CJAC.

Including this year's eight winners, highlighted in the December 1996-January 1997 *Court News*, 65 court programs have received the prestigious Judicial Council award.

Kleps

Continued from page 9

Los Angeles Municipal Court—*LA FAST—CCB Early Disposition Court*

Addressing the increased caseloads resulting from "three strikes," the project identifies case types that are most likely to settle before trial and channels them to a courtroom, which bypasses the normal caseflow process. Cases are disposed within three days of arraignment.

● Contact: Frederick Ohlrich, Court Administrator, (213) 974-6171.

Orange County Superior Court—*Direct Records Access Program*

Registered and authorized staff from the district attorney's and public defender's offices, the federal office of Immigration and Naturalization Services, and 40 attorney services' staff are provided direct records-access to nonconfidential case files and data records. Users must attend training sessions and comply with program rules.

—*Qualified Court Interpreter Recruitment Program*

A recruitment process has been developed to attract qualified and certified foreign and sign-language interpreters to work as independent contractors for the courts. This has enabled the court to comply with statutory requirements, provide an equitable and reliable selection method, and ensure greater access for court users.

● Contact: Alan Slater, Executive Officer and Clerk, (714) 834-5277.

Sacramento Superior and Municipal Courts—*Employee Mentor Program*

This facilitated mentor program for court employees matches volunteer mentors from all levels of the organization with protégés who wish to gain special skills or knowledge.

—*Sacramento Court Internet Web Site*

The court's Internet home page offers court information free to the public 24 hours a day, 7 days a week. The service provides addresses of and street maps to court facilities, important court news, hypertext links to over 45 different court- or government-related Internet sites, and full text of local rules of court.

—*Sacramento Judicial Information Bulletin Board System (SACJIBBS)*

This free, public-access bulletin board service offers information to the public and private attorneys in a timely, user-friendly, electronic format, 24 hours a day, 7 days a week. SACJIBBS provides law-and-motion calendars and tentative rulings from the presiding judge, e-mail connection for probate attorneys, probate calendar notes, and general court information for Yolo County courts.

—*Sacramento Stand Down Rally*

An outreach effort for homeless veterans, this program is sponsored by the Vietnam Veterans of California. Spending three days at one location, a corps of volunteers from the community's public and private sectors offers veterans and their families a broad spectrum of services for re-entry into mainstream society.

● Contact: Michael Roddy, Executive Officer, (916) 440-6328.

San Bernardino Superior and Municipal Court—*Jury Administration & Support System (JASS)*

A client-server application, this project is organized into six subsystems: summons, assembly, case management, post-summons, juror payment, and statistics. Developed in-house, it serves as a mechanism for helping courts track and manage the entire jury process.

● Contact: Debra Haskins, Supervising Automated Systems Analyst, (909) 387-6522.

—*Appeals—Small Claims*

Small claims cases and subsequent appeals are handled and monitored through the Small Claims Unit so that litigants have an opportunity to work with staff knowledgeable about the small claims process, court procedures, and forms.

● Contact: Anna Gutierrez, Legal Procedures Clerk III, (909) 948-4515.

—*Center for Dispute Resolution—Mediation of Civil Harassment Restraining Orders*

Mediation services are provided by volunteer mediators from the business and legal community for civil harassment restraining-order cases to allow parties greater control over the outcome than is possible in the traditional court setting.

● Contact: Cecilia Lowe, Small Claims Advisor, and Center for Dispute Resolution, (909) 387-3880.

San Diego County Superior Court—*Family Direct Calendar to Equalize Workloads and Improve Service*

Under a direct calendar system, a single judge is assigned from initial filing to disposition in family law cases. The case-management method increases judicial familiarity with individual cases, personalizes services, and improves justice for families.

● Contact: Kenneth Martone, Executive Officer, (619) 531-3820.

San Diego Municipal Court—*Civil and Small Claims Automated Case Management System (CMS)*

Developed in-house by a team of technical staff and subject-matter experts, this system using a Microsoft Windows 95-based application is cost-effective and can be implemented and transported to any court in the state.

● Contact: D. Kent Pedersen, Court Administrator, (619) 531-4175.

South Bay Trial Courts (San Diego)—*Students in Justice Internship*

A 10-week mentor internship program with members from the judicial system offers students the opportunity to learn about the court system and law enforcement. It is a partnership of the San Diego Police and Fire Department, the U.S. Customs Office (the Explorer Program), and the Scripps Hospital volunteer program for teenagers.

● Contact: Stephen Thunberg, Court Administrator, South Bay Municipal Court, (619) 691-4773.

San Joaquin Superior Court—*San Joaquin County Criminal Trial Blitz*

Developed to handle the court's backlog of criminal cases set for trial, a "Trial Blitz Month" was proposed by the district attorney's office to avoid the problem of continuances. Requests for jury trials have increased as a result of "three strikes," causing cases to be reset for trial and continued over.

● Contact: Jeanne Millsaps, Court Administrator, (209) 468-2367.

San Mateo County Superior and Municipal Courts—*Multi-Option ADR Project*

Developed to integrate ADR into case-management techniques, this program encourages litigants and their attorneys to seek solutions that better fit their needs. The Multi-Option ADR Project is a partnership of the San Mateo County Courts, the San Mateo County Bar Association, and the local ADR providers.

● Contact: Sheila Purcell, Multi-Option ADR Project Director, (415) 363-4148.

—*San Mateo Family Law Pilot Project/Family Law Evaluator*

Originally designed to provide pro per assistance with temporary child support, spousal support, and health insurance, this project, staffed by one attorney, has developed into an all-purpose family law clearinghouse. A Family Law Evaluator is available daily to pro per litigants free of charge.

● Contact: Rita Mah, Esq., Family Law Evaluator, (415) 363-4191.

—*San Mateo County Small Claims Court Internet Web Site*

Small claims court information, which can be easily revised and updated, is available to the public on the court's comprehensive Web pages.

● Contact: John Fitton, Deputy Court Administrator, (415) 363-4863.

Stanislaus County Superior and Municipal Courts—*Daily Calendar Electronic Display and Internet Access*

Created as a software program, the Daily Calendar Electronic Display and Internet Access integrates the superior and municipal courts' daily calendars. The calendars can be viewed by the public on three 27-inch monitors and then electronically transmitted to the court's Web site for Internet access. By consolidating, integrating, and alphabetizing the information, the program assists attorneys, witnesses, and parties, among others, to find their department location and times for appearance.

● Contact: Robert Davis and Debbie Brasher, Staff Services Coordinators, Court Technology, (209) 525-6348.

—*Juror Transit System Program*

Jurors can use their summons to travel free to and from jury duty in Stanislaus County via county, city, or privately owned carriers. Juror bus passes are incorporated into the jury summons.

● Contact: Donald Vera, Deputy Jury Commissioner, and Jury Staff, (209) 525-6348.

Ventura County Superior and Municipal Courts—*Criminal Reorganization Project*

The criminal courts' calendar was reorganized into a single master calendar for both courts. A criminal trial team of judges from both courts is assigned cases from the master calendar without regard to felony or misdemeanor distinction.

—*Pro Per Clinic Project*

Volunteers from the legal community—family law attorneys, paralegals, and law students—provide assistance to pro per litigants in family court with pre-filing and post-filing documentation regarding custody, visitation, child and spousal support, restraining orders, fee waivers, and establishing paternity. Representatives from the district attorney's Child Support Division and Victim Services Division are available for consultation and to help with domestic violence and support issues.

● Contact: Sheila Gonzalez, Executive Officer and Clerk, (805) 654-2965. ■



Alvarez: Courts Retain Discretion in ‘Wobblers’

BY PLACER COUNTY SUPERIOR COURT PRESIDING JUDGE J. RICHARD COUZENS

People v. Superior Court (Alvarez) (1997) __ Cal.4th __; 97 Daily Journal D.A.R. 633, the fourth three-strikes opinion issued by the California Supreme Court, confirms the authority of trial courts to specify felony/misdemeanor offenses (“wobblers”) as misdemeanors, even though such offenses are being prosecuted under the three-strikes law.

The power to specify an offense as a misdemeanor exists through section 17(b)(1), “after a judgment imposing a punishment other than imprisonment in the state prison,” or section 17(b)(3), “when the court grants probation to a defendant without imposition of sentence and at the time of granting probation, or on application of the defendant or probation officer thereafter, the court declares the offense to be a misdemeanor.”¹ The court observed nothing in either version of the three-strikes law that spoke directly to the continuing validity of section 17(b) discretion. Rather, the court found language in the statute that suggested that the drafters of the three-strikes law were cognizant of the authority to specify wobblers, but did not override such authority by the statute.

COURT HAS DISCRETION

In discussing the scope of section 17(b) discretion, the court noted that the statute rests the decision solely “in the discretion of the court. . . . By its terms, the statute sets a broad generic standard . . . [which] is neither arbitrary nor capricious, but is an impartial discretion, guided and controlled by fixed legal principles, to be exercised in conformity with the spirit of the law, and in a manner to subserve and not to impede or defeat the ends of substantial justice.”

Although the Supreme Court found little judicial authority setting specific criteria for exercising section 17(b) discretion, it said that a trial court should consider the usual factors that are relevant to sentencing decisions: the nature and circumstances of the offense, the defendant’s appreciation of and attitude toward the offense, and his or her traits of character as

evidenced by his behavior and demeanor at trial. When appropriate, the court should consider the objectives of sentencing as set forth in California Rules of Court, rule 410, such as protec-



tion of society, punishment, and deterrence of the defendant and others from committing crimes. The record of the defendant, including prior strike convictions, is only one of the factors for the court to consider; the court declined to create a nonstatutory presumption against reducing wobblers in strike cases.

ALL FACTORS TO BE CONSIDERED

Justice Brown, in writing for the majority, said that “the current offense cannot be considered in a vacuum; given the public safety considerations underlying the three-strikes law, the record should reflect a thoughtful and conscientious assessment of all relevant factors including the defendant’s criminal history.

[Citations omitted.] Furthermore, in evaluating the severity of a three-strikes sentence relative to the gravity of the charge, the court must remain cognizant that the present violation of law

only *triggers* [emphasis in original] the mandated penalty, which ultimately is the consequence of both that offense and the defendant’s recidivist status.”

It is an abuse of discretion to specify an offense as a misdemeanor solely for the purpose of avoiding the effects of the three-strikes law on the defendant. In exercising the discretion to specify an offense as a misdemeanor, the court should consider the defendant’s background, the nature of the offense and other “individualized considerations.” (*People v. Dent* (1995) 38 Cal. App.4th 347.) “Any exercise of [section 17(b)] authority must be an intensely fact-bound inquiry taking all relevant factors, including the defendant’s criminal

past and public safety, into due consideration; and the record must so reflect.”

TRIAL COURT DID NOT ABUSE DISCRETION

The majority found that the trial court did not abuse its discretion in specifying the current offense as a misdemeanor. The defendant was convicted of possessing 0.41 grams of methamphetamine, with a record of four residential burglary convictions and four misdemeanor convictions. He had received a prison sentence on one of the burglaries and had violated his parole on several occasions. The Supreme Court noted, however, that the prior strikes were relatively old (eight years being the most recent) and did not involve violence. It was evident that the trial court placed most of the decision for the reduction on the lack of seriousness of the current offense.

A dissenting opinion was written by Justice Mosk, joined in by Justice Kennard. The dissenting opinion did not dispute the majority’s conclusion that trial courts had section 17(b) authority in strike cases. Since the trial judge in the instant case was uncertain she had authority to dismiss a prior conviction under section 1385, Justice Mosk felt that the trial court should reconsider defendant’s sentence under all available options as made clear following the *Romero* decision. ■



Presiding Judge J. Richard Couzens

Judge Couzens is a member of the Judicial Council and immediate past chair of its Criminal Law Advisory Committee.

Retired Judges Provide Three-Strikes Relief

A new Three-Strikes Relief Team program has been implemented to assist courts overburdened as a result of the three-strikes law.

In the program’s first phase, Chief Justice Ronald M. George has assigned 23 retired judges to nine trial courts that the Judicial Council determined are experiencing excessive backlogs resulting from “three strikes” (*see box, this page*).

“This program furthers the Judicial Council’s goal of improving public access to the California court system. Adequate court resources are critical to accomplishing that goal,” said Chief Justice George. “I am pleased that with the Legislature’s help, we are able to provide assistance to trial courts facing burdensome caseloads.”

The three-strikes law, which took effect in March 1994, has increased the workload of many courts. While the law’s impact has been uneven across the state, the resulting workload is straining resources in many counties, especially in courts that serve large populations.

\$3.5 MILLION FOR TEAMS Senate Bill 1393, signed by Governor Pete Wilson in 1996, pro-

vided \$3.5 million for the Three-Strikes Relief Team program, which was created to ensure that second- and third-strike cases

are not dismissed because of inadequate judicial resources. The legislation states that teams will be “specifically created to adjudicate second- and third-strike cases in courts where excessive backlog of those cases exists, as determined by the Judicial Council.”

Continued on page 12

‘Strike’ Forces Set

At press time, Three-Strikes Relief Teams, whose starting dates and duration of service vary, have been assigned to the following courts (the court from which the judge retired appears in parentheses):

- **Alameda County Superior Court**—Judge Richard A. Haugner (Alameda County Superior Court), Judge Claude D. Perasso (San Francisco Superior Court)
- **Fresno County Superior and Municipal Courts**—Judge Annette LaRue (Fresno County Superior Court), Charles V. Stone (Stanislaus County Superior Court)
- **Lassen County Superior and Municipal Courts**—Judge Robert A. Barclay (Modoc County Superior Court)
- **Los Angeles County Superior Court**—Jacqueline Levit Weisberg (Los Angeles County Superior Court), Judge John F. Cruikshank, Jr. (San Joaquin County Superior Court), Judge J. Kimball Walker (Los Angeles County Superior Court), Judge Donald E. Rudloff (North County Municipal Court), Judge Martin C. Suits (Kings County Municipal

Court), Judge John J. Lynch (Inglewood Municipal Court), Judge John W. Burnett (Southeast Municipal Court)

- **Consolidated Courts of Riverside County**—Judge Roosevelt Robinson, Jr. (Inglewood Municipal Court), Judge Nancy B. Watson (Los Angeles County Superior Court)
- **Sacramento Superior and Municipal Courts**—Judge Loyd H. Mulkey, Jr. (Butte County Superior Court), Judge Joseph A. Martin (Yolo County Municipal Court)
- **San Bernardino County Superior and Municipal Courts**—Judge Jerome Stevenson (Riverside Municipal Court)
- **San Joaquin County Superior Court**—Judge Alan H. Hedegard (Monterey County Superior Court), Judge Armando O. Rodriguez (Fresno County Municipal Court)
- **Ventura County Superior Court**—Judge Gerard J. Kettmann (Santa Clara Municipal Court), Judge Charles E. Jones (Imperial County Municipal Court)

¹ *People v. Superior Court (Perez)* (1995) 38 Cal.App.4th 347, held that the court may not exercise the discretion to specify an offense as a misdemeanor after the defendant has been sentenced under the three-strikes law. Nothing in *Alvarez* addressed *Perez* on this issue or the authority of the defendant or the probation officer to apply for specification after sentencing under the provisions of § 17(b)(3).

MESSAGE FROM THE JUDICIAL COUNCIL

RUPRO's Role in Getting Your Proposal Before the Council

BY JUDGE PAUL BOLAND
LOS ANGELES COUNTY SUPERIOR COURT
CHAIR, RULES AND PROJECTS COMMITTEE



Judge Paul Boland

See facing page for how a proposal becomes a rule.

Let's say you and your court have an idea that would significantly improve court procedures; very likely, it needs to be adopted as a rule of court by the Judicial Council.

Just how do you go about making your proposal? What happens when you send it to the council?

The Rules and Projects Committee (RUPRO) has a primary role in determining the fate of your proposal. RUPRO, one of three internal council committees, is composed of council members who oversee the development of statewide rules of court, judicial standards, and council forms. RUPRO also oversees the workings of the advisory committees and task forces appointed to assist the council.

ADVISORY COMMITTEE REVIEW

When council staff receive your idea, under RUPRO's guidance, the proposal is referred to the appropriate subject-matter advisory committee for analysis. The

RUPRO's function is to assist the advisory committees to develop annual workplans that improve the administration of justice. It also acts as a resource to help the advisory committees determine what projects to undertake and what priority and resources to allocate to their work.

INVITATIONS TO COMMENT

After the advisory committee refines your idea, it reports to RUPRO recommending that the proposal be circulated statewide for comment. Besides obtaining the advisory committee's advice, the council's policy is to circulate as widely as possible for comment any proposals for council action. Consequently, twice a year, RUPRO disseminates large binders of advisory committee proposals to over 700 persons and organizations interested in court administration and procedure. Hundreds of others are invited to submit comments on individual proposals.

RUPRO circulates your proposal for comment unless the proposal violates an expressed council policy or a provision of law. RUPRO will also retain your proposal if the committee believes the proposal needs more analysis or development.

FINAL APPROVAL

At the end of the six-week comment period, the advisory committee reviews the comments received and then prepares the proposal for further review and action by RUPRO and, finally, the council as a whole. If the comments reveal that your proposal, while helping a court like yours, would create chaos in other courts, the advisory committee may decide to revise or reject your proposal. Let us assume, however, that your proposal meets with universal approval and is adopted by the council.

TAKING EFFECT

Unless your proposal needs to become effective immediately, it will usually take effect the following January 1 or July 1. Using regular dates for council actions to take effect allows the legal community to become aware of the changes and allows legal publishers to disseminate the text of rules, standards, and legal forms.

PLEASE CONTACT US

The council appreciates receiving suggestions for improving the administration of justice. Be assured that all suggestions receive careful attention from the council, its committees and advisory committees, and staff. We encourage you to give us your ideas.

● Contact us at the Judicial Council of California, Secretariat (Rule/Form Proposal), 303 Second Street, South Tower, San Francisco, CA 94107, fax: (415) 396-9388 (CALNET 8-531-9388); or e-mail to jcservices@courtinfo.ca.gov. For a copy of the rule-making schedule and more information, visit the Judicial Branch Web site at www.courtinfo.ca.gov.

Rules and Projects Committee

Besides Los Angeles County Superior Court Judge Paul Boland, who serves as chair, members of the Rules and Projects Committee (RUPRO) include Presiding Justice Richard D. Huffman, Court of Appeal, Second Appellate District, Division Two (San Diego), co-chair; Contra Costa County Superior Court Judge Lois Haight; Oakland-Piedmont-Emeryville Municipal Court (Alameda) Judge Brenda Harbin-Forte; Tuolumne County Municipal Court Judge Eleanor Provost; Senator Charles Calderon; Ventura County Superior and Municipal Courts Executive Officer Sheila Gonzalez; and Clerk of the Court Joseph A. Lane, Court of Appeal, Second Appellate District (Los Angeles). Serving as staff to the committee is Attorney Ben McClinton of the Administrative Office of the Courts.

advisory committee drafts proposed rule language and recommends whether RUPRO should proceed with the proposal and send it out for statewide comment.

Advisory committees perform an essential service to the council. Over 300 volunteers serve on some 20 advisory committees and task forces covering all aspects of court administration ranging from, for example, access and fairness, court technology, and civil procedure to traffic, appellate procedure, probate, and court interpreters. Without these committees and their dedicated and knowledgeable members, the council could not adequately monitor the needs of the judicial branch and the public it serves.

Assembly Judiciary Chair Escutia Joins Council

Assembly Member Martha M. Escutia, the first woman to chair the Assembly Judiciary Committee, has been appointed to the Judicial Council, succeeding Assembly Member Bill Morrow, the former Assembly Judiciary Committee chair.



Assembly Member Martha M. Escutia

Assembly Member Escutia was elected to the Assembly in November 1992, representing the heavily Latino 50th Assembly District. Her legislative accomplishments include landmark legislation establishing the first statewide comprehensive service center for women with HIV; various environmental protection bills; and public safety bills, including tougher provisions against child molesters.

Assembly Member Escutia received her law degree from Georgetown University and is an honors graduate of the University of Southern California with a degree in public administration. She also holds certificates in both advanced international legal studies of trade and tariffs from the World Court in The Hague and in foreign investment from the National Autonomous University in Mexico City. She was selected as a 1997 Flemming Fellow by the Center for Policy Alternatives in Washington, D.C.

A former senior research attorney for the Los Angeles County Superior Court, Assembly Member Escutia was also in private practice with a Los Angeles firm specializing in civil litigation.

Relief

Continued from page 11

The relief-team judges were selected for their judicial criminal-law experience and good standing in the council's Assigned Judges Program. A special training program for them was developed by the Center for Judicial Education and Research. As further need is identified in trial courts with adequate facilities to accommodate the judges, the Chief Justice may assign up to an additional seven judges for a total of 30 judges, as specified by legislation.

GUIDELINES

The council's staff agency, the Administrative Office of the

Courts (AOC), developed guidelines for the program, which include the following:

- Case assignment: Relief-team assignments are intended to relieve excessive second- and third-strike backlogs; however, judges also may be used for nonstrike cases. Participating courts must agree that the number of judges handling second- and third-strike cases must be equivalent to the number of assigned judges provided. In addition, the number of civil cases processed may not decline while the relief team is assigned.



- Criteria for court selection and participation: Courts experiencing a workload increase resulting from three-strike cases and interested in receiving assistance are required to submit a proposal to the AOC. The proposal is to contain workload information, such as the number of cases backlogged, the number of judges required to handle the backlog, and the estimated duration of each assignment.

- Monitoring and reporting: Courts receiving relief-team assistance will be required to submit monthly reports indicating the number of second- and third-strike cases disposed of and the type of disposition, as well as the impact on civil caseload. ■

How a Proposal Becomes a Rule

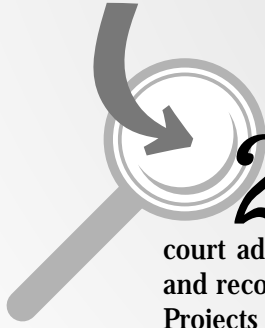
“To improve the administration of justice the [Judicial Council] shall survey judicial business and make recommendations to the courts, make recommendations annually to the Governor and the Legislature, adopt rules for court administration, practice and procedure, not inconsistent with statute, and perform other functions prescribed by statute.” —Cal. Const., art. VI, § 6.

Rule making by the Judicial Council involves several steps. Rules, forms, and standards of judicial administration are circulated for comment twice a year for adoption effective January 1 and July 1. Generally, the council follows the procedure described below.



1 Submitting a Proposal: Any person or organization can submit a request for a new or amended Judicial Council rule, form, or standard of judicial administration. It is helpful if the proposal includes a description of (1) the problem to be addressed; (2) the proposed solution and alternative solutions; (3) any likely implementation problems; (4) any need for urgent consideration; and (5) known proponents and opponents.

Mail, fax, or e-mail proposals to: Judicial Council of California, Attention: Secretariat and Conference Services (Rule/Form Proposal), 303 Second Street, South Tower, San Francisco, CA 94107, fax: (415) 396-9388 (CALNET 8-531-9388), (jcservices@courtinfo.ca.gov).



2 Analyzing the Proposal: An advisory committee (e.g., civil, criminal, family law, court administrators) analyzes the proposal and recommends to the council's Rules and Projects Committee (RUPRO) one of the following:

- Circulate for public comment with or without suggested modification; or
- Reject the proposal.

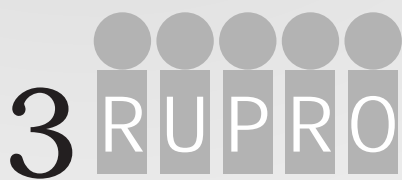


5 Final Judicial Council Action: The advisory committee recommendation is reviewed by RUPRO. If the advisory committee or RUPRO recommends adoption of a new or revised rule, form, or standard of judicial administration, the matter is placed on the council's agenda. The council may adopt, modify, or reject the proposed rule, form, or standard. If adopted, it will usually become effective the following January 1 or July 1.



4 Comments and Consideration: After the comment period closes, the advisory committee considers the comments and may:

- Recommend adoption of the original proposal;
- Modify the proposal and recommend adoption as modified;
- Hold the proposal in committee for further study and analysis; or
- Reject the proposal based on the comments received.



3 RUPRO Action: RUPRO can take one of the following actions:

- Circulate the proposal for public comment with or without modification;
- Request further analysis by the advisory committee or the proponent; or
- Reject circulation of the proposal (if the proposal is contrary to council policy or statute).

For an explanation of RUPRO's role in getting your proposal before the council, see facing page.

● Contact: Judicial Branch Web site for a copy of the rule-making schedule and other information at www.courtinfo.ca.gov; or Public Information Office, Administrative Office of the Courts, 303 Second Street, South Tower, San Francisco, CA 94107, (415) 396-9118 (CALNET 8-531-9118).



FLSA exempts court reporters from overtime provisions

A leading issue for California courts in the previous congressional session centered around court reporters and the Fair Labor Standards Act (FLSA). As a result of federal legislation signed into law on September 5, 1995, court reporters are now exempt from the overtime compensation provisions of section 7(a) of the FLSA when they pre-

pare transcripts of courtroom testimony on a per-page basis during off-duty hours.

This legislation, the Court Reporter Fair Labor Amendments of 1995 (H.R. 1225), allows court reporters to work after hours for a private employer without triggering the requirement that the court employer pay overtime compensation. Under this structure, the court reporter is free to supplement his or her income working on their own time without involving the court employer, who may not have wished to pay the overtime that formerly resulted from that

outside work. Court employers are not required to pay overtime compensation if the following two conditions are met: (1) a per-page rate has been established by state law or local ordinance or otherwise established by a judicial or administrative officer and in effect on July 1, 1995; and (2) the official court reporter is preparing transcripts on his or her own time.

If the court reporter is required to be on call during the normal work hours, however, but is not performing work for the court during that mandatory on-call period, the reporter can

use that time to work for a private party, but the mandatory on-call hours must be counted by the court employer toward overtime accrual.

The legislation benefits court reporters because it allows them to maintain their independent-contractor status and affords them individual work flexibility. The new provision is applicable to all cases filed after September 5, 1995.

● Contact: June Clark, Office of Governmental Affairs, (916) 653-2362. ■

In the Future

Other issues that this column may cover in the future include:

- Judicial immunity
- Judicial retirement
- Federal Victims' Rights Constitutional Amendment
- Comprehensive crime legislation
- Juvenile justice reform

Editor's Note: This is the first in an occasional series from the Judicial Council's Office of Governmental Affairs (OGA) that will inform readers about federal legislation that may affect California's courts, judges, and court personnel. In addition to representing the Judicial Council in its relations with the state Legislature and the Governor's Office, OGA acts as a liaison to the National Center for State Courts in an effort to ensure an effective exchange of information during the formation of federal policy that may impact the state courts.

Coordination Highlights

Task force now advisory committee

The Judicial Council has approved conversion of the Trial Court Coordination Evaluation Task Force to the Judicial Council Trial Court Coordination Advisory Committee, in light of the ongoing critical role that the panel will play in addressing coordination-related issues. The council adopted California Rules of Court, rule 1036, which allows the conversion of the task force.

Taking the action at its January 29 meeting, the council appointed the existing task force members to the Trial Court Coordination Advisory Committee. Those members also currently serving on another council advisory

sory committee will be allowed to serve on both advisory committees through the end of 1997.

Courts to get incentives for compliance

Acting upon the recommendations of the Trial Court Coordination Advisory Committee (formerly Trial Court Coordination Evaluation Task Force), the Judicial Council at its January 29 meeting approved the following trial court coordination incentives and sanctions:

(1) the granting or denial of requests for trial court funding, in accordance with Government Code section 68502.5, and the granting or denial of requests for creation of new judgeships, as well as requesting the Chief Jus-

tice to consider trial court coordination in the assigned judges program; and

(2) inclusion of the county's coordination status in the *Annual Report to the Legislature on Coordination Activities*.

The council also directed the Trial Court Coordination Advisory Committee to develop procedures, for the council's approval, to identify counties that have complied with Government Code sections 68112 and 68113; California Rules of Court, rule 991; and Standards of Judicial Administration, standard 29, in relation to incentives for coordination efforts.

In addition, the council directed the advisory committee, in consultation with the Trial Court Budget Commission (TCBC), the Court Profiles Advisory Committee, and the Admin-

istrative Office of the Courts' Assignments Unit, to establish formal incentive/sanction guidelines related to these program areas (i.e., TCBC, Court Profiles, Assignments).

"The existence of incentives will encourage coordination efforts," said Santa Clara County Superior Court Judge John A. Flaherty, advisory committee chair. "The idea is not to close down courts not in compliance but to show them model counties that are [in compliance]."

The four-phased implementation review procedure that begins this year (see Court News, December 1996-January 1997, p. 10, "Coordination Highlights: Implementation review procedure given approval"), in particular, will assist the advisory committee in determining to what extent courts are in compliance with the coordination plans they file.

● Contact: Tracy Vesely, Court Program Services, (415) 396-9332 (CALNET 8-531-9332). ■



New Rules

Changes to electronic recording rules

The Judicial Council has revised the California Rules of Court governing electronic recording pursuant to the decision in *California Court Reporters Association v. Judicial Council (CCRA)*.

Specifically, the council:

1. Repealed subdivision (e) of rule 33, Transcript From Electronic Recording;

2. Amended rule 891 to expressly provide that the rule is adopted solely to effectuate the statutory mandate of Government Code section 68086;

3. Amended rule 892(b), (c), and (d), expressly limiting the applicability of these subdivi-

sions to municipal court proceedings; and

4. Repealed rule 980.3, Verbatim Recording.

Revised 1997 bail schedule on diskette

The Judicial Council in November 1996 adopted revisions to California Rules of Court, rule 850 (Uniform Bail Schedules), effective January 1, 1997. The changes include the following:

1. Section 2800.2: Fine increased from \$200 plus penalty assessments to \$1,000 plus penalty assessments for any person who while operating a motor vehicle, and with the intent to evade, willfully flees or

otherwise attempts to evade a pursuing peace officer's motor vehicle or bicycle.

2. Section 2800.3: Fine increased from \$1,000 plus penalty assessments to \$2,000 plus penalty assessments whenever willful flight or attempt to elude a pursuing peace officer in violation of section 2800.1 proximately causes death or serious bodily injury to any person.

3. Section 4461(d) is a new subsection that adds to the list of misdemeanors the use of disabled-person and disabled-veteran placard by one not entitled to it.

4. Section 16028 is a new infraction that requires drivers, upon demand by a peace officer, to provide evidence of financial responsibility if their ve-

hicle is stopped for a moving violation or involved in a traffic accident. A peace officer is prohibited from stopping a vehicle for the sole purpose of determining whether the vehicle is being driven without evidence of financial responsibility. Violation of this section is punishable by a fine of not less than \$500 plus penalty assessments. The court may, for good cause, in addition to the fine, order the vehicle to be impounded.

5. Section 22526(c) is a new infraction that prohibits drivers from entering a railroad or rail transit crossing unless enough space exists on the other side of the rails to accommodate the vehicle without obstructing the rails.

6. Sections 23224(a, b) are now misdemeanors rather than infractions. The sections specify fines of not more than \$1,000 and/or not more than six months' imprisonment for a person under 21 years of age driving a vehicle carrying any alcoholic beverages or for being a passenger possessing any alcoholic beverages.

7. Section 42030 was amended to allow the court to exercise discretion when imposing a fine for weight-limitation violations if an applicable local permit was obtained prior to the hearing and the carrier was transporting construction equipment or materials with a valid Caltrans extra-legal load permit when the ticket was issued.

The revised bail schedules, in Microsoft Word 6 format, were mailed to the courts on January 2. The bail schedules will also be available in Excel and Access, and may be downloaded from the Judicial Branch's Web site at www.courtinfo.ca.gov. ■

Courts Should Not Spend Funds on Electronic Recording



The Judicial Council has directed each of the state's 58 superior courts to refrain from spending any of the upcoming fiscal year 1996-97 third-quarter state funding distribution on the maintenance or creation of nonstenographic methods for preparing the official verbatim record of court proceedings. Courts are advised to take all necessary steps to comply with this directive, including documentation to establish that this distribution has not been used for these purposes.

The council's directive reflects the Alameda County Superior Court's judgment in the case of *California Court Reporters Association et al. v. Judicial Council of California et al.* The November 1, 1996, judgment enjoins and

restrains the council from "authorizing and from causing the expenditure of public funds for the maintenance or creation of a nonstenographic method and system for preparing the official verbatim record of superior court proceedings."

The council has appealed from this portion of the judgment and petitioned the Court of Appeal for the First Appellate District (San Francisco), requesting a stay of judgment with respect to this language. The petition was denied on December 27, 1996, but the appeal will proceed.

The judgment also provides that California Rules of Court, rules 33(3), 891, 892, and 980.3 are "invalid and without force or effect to the extent that these rules authorize the use of nonstenographic methods of recording to make the official verbatim record of any superior court proceedings." The Judicial Council formally repealed the rules at its January 29 meeting. (See "Changes to electronic recording rules," this page.)

Governor Wilson made the following judicial appointments in December 1996 and January 1997.

SUPERIOR COURTS

Ernest H. Goldsmith to the San Francisco County Superior Court, succeeding Barbara J.R. Jones, elevated.
Richard A. Kramer to the San Francisco County Superior Court, succeeding Richard P. Figone, retired.
Karl W. Jaeger, of the Los Angeles Municipal Court, to the Los Angeles County Superior Court, succeeding Beauford Phelps, retired.
John M. Thomberlin to the San Bernardino County Superior Court, succeeding John Ingro, retired.
Teresa Estrada-Mul-laney, of the San Luis Obispo

Judicial Appointments

Municipal Court, to the San Luis Obispo County Superior Court, succeeding Harry E. Woolpert, retired.
Edward F. Lee, of the Santa Clara Municipal Court, to the Santa Clara County Superior Court, succeeding Taketsugu Takei, retired.
Elihu M. Berle to the Los Angeles County Superior Court, succeeding Arthur Baldonado, retired.
Gary Feess to the Los Angeles County Superior Court, succeeding David Rothman, retired.
Warren G. Greene to the Los Angeles County Superior Court, succeeding Jack M. Newman, retired.

Stewart T. Waldrip to the Orange County Superior Court, succeeding Leonard Goldstein, retired.
Richard Guiliani, commissioner, to the San Joaquin County Superior Court, succeeding Consuelo Maria Callahan, elevated.
Gail A. Andler, of the Central Orange Municipal Court, to a newly created position at the Orange County Superior Court.
David R. Chaffee, of the Harbor Municipal Court, to a newly created position at the Orange County Superior Court.

Brian Van Camp to a newly created position at the Sacramento County Superior Court.
MUNICIPAL COURTS
Gerald Hermansen to the South Butte County Municipal Court, succeeding Steven J. Howell, elevated.
Dennis J. McLaughlin to the Fremont-Newark-Union City Municipal Court (Alameda), succeeding George Hernandez, Jr., elevated.
Christine Moruza to a newly created position at the Livermore-Pleasanton-Dublin Municipal Court (Alameda). ■

Judgeship Conversion In Napa Is Historic

Napa County Municipal Court Judge Ronald T. L. Young has been appointed to the newly converted Napa County Superior Court position, pursuant to Senate Bill 162. The vacant municipal court judgeship was the first to be converted into a superior court position, marking Governor Pete Wilson's first use of a new power granted governors under the 1995 statute.
The law allows such conversions under the following conditions: (1) the Governor determines the move enhances the administration of justice and that the new position can be adequately

funded; (2) the lower-court slot is not the sole remaining municipal court position in a county; and (3) the vacancy results from the retirement or resignation of a municipal court judge 65 years or older, the death or removal of a municipal court judge, or a municipal court judge's appointment to another office or another court, other than a superior court created pursuant to the 1995 statute within the preceding three years.
The vacancy in Napa emerged when Municipal Court Judge Richard Bennett was elevated to the superior court. ■

Administrative Presiding Justices Are Appointed

The state's Courts of Appeal for the First District (San Francisco) and Second District (Los Angeles) each has a new administrative presiding justice. They are Hon. Gary E. Strankman, succeeding Hon. Carl W. Anderson, in the First District, and Hon. Charles S. Vogel, succeeding Hon. Mildred L. Lillie in the Second District. Hon. Daniel J. Kremer was reappointed administrative presiding justice for the Fourth District (San Diego). Chief Justice Ronald M. George made the appointments effective January 1, 1997.
Pursuant to California Rules of Court, rule 75, the Chief Justice may designate, in a Court of Appeal with more than one division, one of the presiding justices to act as the administrative presiding justice. The Third, Fifth, and Sixth appellate districts each has a single presiding justice, who serves in a similar administrative capacity.
Serving as administrative presiding justices in those courts are Hon. Robert K. Puglia, Third District (Sacramento); Hon. James A. Ardaiz, Fifth District (Fresno); and Hon. Christopher C. Cottle, Sixth District (San Jose).

Most Judicial Incumbents Win

The November 5, 1996, general election yielded victories for a large majority of the incumbents in contested judicial elections, according to the Administrative Office of the Courts (AOC).
In fact, of the 21 judicial offices in 15 counties that were contested, only one race, in Imperial County, involved an incumbent judge who was defeated.
The AOC findings are based on information obtained from the registrar of voters in each county with judicial races, since trial court judicial election results are no longer reported to the Secretary of State's Office. Local officials then certify judicial election results 30 days after the election.

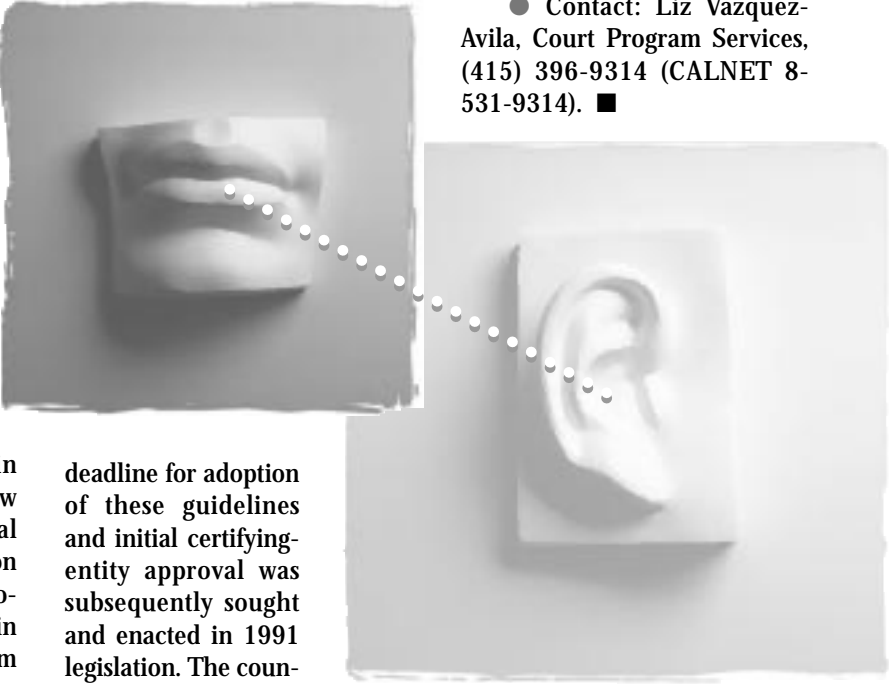
Court Interpreters

2 testing entities chosen to certify interpreters for hearing-impaired
The Judicial Council has provisionally approved two testing entities to certify court interpreters for deaf and hearing-impaired individuals. At its November 1996 meeting, the council approved the California Coalition of Agencies Serving the Deaf (CCASD) and the Registry of Interpreters for the Deaf (RID), upon the recommendations of the Task Force on Approval of Programs for Certifying Court Interpreters for Deaf and Hearing-Impaired Individuals. The task force is chaired by Justice James R. Lambden of the Court of Appeal, First Appellate District, Division Two (San Francisco).
The council also requested that CCASD and RID submit a progress report by September 20

demonstrating compliance with the *Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hearing-Impaired Persons* and additional items. The council will then consider both organizations for final approval. In addition, the council revised the guidelines to require that an approved certifying organization provide evidence of continued compliance with the guidelines at two-year intervals after initial approval.
BACKGROUND
In 1990, the law was revised relating to sign-language interpreters for the deaf and hearing-impaired in court proceedings. The new statute required the Judicial Council to adopt guidelines on or before January 1, 1992, providing guidance to the council in considering applications from

testing organizations, agencies, or educational institutions seeking approval to test and certify sign language court interpreters for deaf and hearing-impaired individuals. An extension of the

cil adopted guidelines on February 21, 1992, after which an ad hoc committee was appointed to review applications. The guidelines and application-process announcement were circulated to all potentially interested organizations. Further extension of the deadline was sought to enable the applicants to provide supplemental data and documentation necessary for compliance.
● Contact: Liz Vazquez-Avila, Court Program Services, (415) 396-9314 (CALNET 8-531-9314). ■



deadline for adoption of these guidelines and initial certifying-entity approval was subsequently sought and enacted in 1991 legislation. The coun-



Education & Development

The secure Web site

California judges, retired judges, and court employees can gain access to the judicial branch secure Web site, which includes the judicial branch calendar, topics of current interest, Judicial Council business, and benchguides.

Potential users will need to acquire a login and password from the Administrative Office of the Courts. To obtain a registration form, they should contact Robbie Grant at Information Services, Administrative Office of the Courts, 303 Second Street, South Tower, San Francisco, CA 94107, (415) 396-9384 (CALNET 8-531-9384), fax: (415) 396-9323 (CALNET 8-531-9323), or e-mail: robbie_grant@jud.ca.gov.

As a security measure, the identities of applicants will be verified in the AOC's database before the login and password are sent to each registrant.

Mark Your Calendars

The third Appellate Staff Continuing Studies Program, to be hosted by the Sixth District Court of Appeal in San Jose, is scheduled for November 13 and 14.

● Contact: For program information, Karen Moen in Administrative Education, (415) 356-6432 (CALNET 8-531-6432), or Elizabeth Howard in Appellate Court Services, (415) 396-9386 (CALNET 8-531-9386).



Appellate Staff Continuing Studies Program participants Joy Washington, Deputy Clerk in the First Appellate District (San Francisco), and Jane Flor, Judicial Secretary in the Sixth Appellate District (San Jose), were among those at the continental breakfast hosted by the Fourth District Court of Appeal in San Diego.

CJER BENCH TIPS

How to promote punctuality during trial

Many judges stress that punctuality is an important part of conducting a good trial. If the court sessions start on time, the participants—especially jurors—tend to have a positive, businesslike attitude. Conversely, tardiness erodes attentiveness and morale.

The following are tips for keeping a jury trial on schedule:

□ After the jury has been sworn in and before the attorneys deliver their opening statements:

— Outline the weekly schedule. This enables the jurors to plan ahead for child care and transportation.

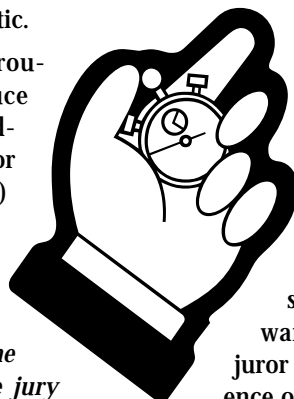
— Explain that the trial cannot proceed unless everyone is in place.

— Express confidence that everyone will cooperate, especially by being back promptly after each recess or break.

□ Just before each recess or break, specify the time (on the courtroom clock) testimony will resume. Make sure that the time specified is realistic.

□ To vary the routine and induce compliance, address the bailiff (or court attendant) along these lines: *Bailiff, please see to it that when we resume at 1:30 the jurors are in the jury box, the attorneys are in place, and this witness is again in the witness stand ready to proceed.*

□ Require the attorneys to tell you at the end of each day the procedural matters they need to



have resolved so that you can hear those matters the next morning before the time the trial is to resume.

□ Occasionally express appreciation when everyone complies.

□ Be punctual yourself. Nothing establishes the tone more decisively than your good example. If you are late, apologize and explain what delayed you and why it was unavoidable.

□ If a juror is repeatedly late, determine whether the bailiff (or court attendant) and the courtroom clerk know of a reason. Interview and, if warranted, admonish the juror in chambers in the presence of the attorneys.

□ If an attorney is late, determine whether there is a valid excuse. If not, warn the attorney outside the presence of the jurors, but on the record, that further lateness may result in monetary sanctions under Code of Civil Procedure section 177.5.

□ If a necessary participant is missing without explanation, many judges take the bench and signal all participants, including jurors, attorneys, and witnesses, to take their places. Then everyone waits. The latecomer's embarrassment on seeing this scene deters further lateness on everyone's part.

The above tips were excerpted from CJER's upcoming benchbook, *Civil Proceedings—Trial*, which will be published in April. The benchbook, the third in a series of four benchbooks on civil proceedings, pools the practical experience of judges throughout the state who served as consultants and reviewers.

● If you would like to participate in this project, contact Curt Karplus, Project Manager, at (415) 356-6412 (CALNET 8-531-6412), or write to CJER at 303 Second St., North Tower, Suite 450, San Francisco, CA 94107.

RESOURCES

Grant funding help available

Is your court in need of grant funding assistance? Help is just a phone call or e-mail away.

● Contact Grants Coordinator Monica Driggers in Judicial Council Services at the Administrative Office of the Courts, 303 Second Street, South Tower, San Francisco, CA 94107, (415) 396-9139 (CALNET 8-531-9139), or e-mail: monica_driggers@jud.ca.gov.

Guidance in custody decisions

Empirical research contained in a report relating to custody offers some guidance to judges and court staff who make complicated decisions about parenting arrangements for young children during and after divorce. The report, *An Integrative Review of the Literature Pertinent to Custody for Children Five Years of Age and Younger*, was produced under a grant from the Statewide Office of Family Court Services of the Administrative Office of the Courts.

The report's findings and conclusions are those of the author, Dr. Mary Whiteside of the Ann Arbor Center for the Family, and not of the Judicial Council.

Dr. Whiteside's report summarizes current knowledge about the developmental consequences of various postdivorce custody arrangements for young children. It also reviews the factors that increase risk for children and, conversely, that enhance the chances for effective family functioning.



Among the report's key findings:

✓ Children can do well or poorly in a variety of household configurations, depending on a range of variables. Young children can benefit from positive relationships with numerous caregivers as long as the caregivers are available, responsive, and consistent. This finding underscores the postdivorce feasibility of two-household parenting arrangements, single-parent households, and networks of care that include the parents, extended family members, and daycare professionals.

✓ Most children who live consistently throughout their childhood in a single-mother household do not show more problem behaviors than do other children. When children have a primary residence with their mother, the frequency of their father's visitation, independent of other variables, is not strongly related to the quality of the children's adjustment. However, frequency of visitation is often associated with a better father-child relationship, which in turn is associated with better child adjustment.

✓ The characteristics making each parent valuable to his or her child's development are not specifically related to the parent's gender. The child's interactions with a parent, as well

Continued on page 18



Court Briefs

Council okays funding for CASA programs

The Judicial Council has approved funding for 27 grant proposals for Court Appointed Special Advocates (CASA) programs under Welfare and Institutions Code section 100. Twenty-four grants were approved for counties with existing programs, and three were for counties to establish new programs.

The counties receiving \$20,000 grants for new programs are Monterey, Sonoma, and Yolo. Santa Clara and San Mateo, which applied jointly, received a total grant of \$30,000 (\$15,000 each). The following counties received \$20,000 grants: Alameda, Contra Costa, Humboldt, Imperial, Kern, Los Angeles, Marin, Napa, Nevada, Orange, Sacramento, San Bernardino, San Francisco, San Luis Obispo, Santa Barbara, Santa Cruz, and Siskiyou. Fresno received a \$17,000 grant; Mendocino, \$15,000; Riverside and Tulare, \$14,000 each; and Merced, \$10,000.

The grant proposals were reviewed by the CASA Review Selection Committee of the council's Family and Juvenile Law Advisory Committee.

Alameda courts' Fox joins AOC

Barbara Fox, the chief assistant executive officer of the Administratively Consolidated Trial Courts of Alameda County for the past five years, is the new assistant director of the Trial Court Services Division at the Administrative Office of the Courts.

Fox, who assumed her new responsibilities on February 6, served as second in command of the Alameda court system, which included 50 bench officers, 400 staff, and an annual operating budget of over \$38 million. She directed all municipal and superior court operations in 16 locations.

In her new position, Fox will assist Trial Court Services Division Director Kiri Torre in managing the division while directly managing the Court Program Services unit, which is engaged in assisting the trial courts in implementing programs that are Judicial Council priorities or legislative mandates. These include trial court funding, trial court coordination, determination and allocation of new judgeships, statewide jury reform, legislative and state budget analysis, and management of the statewide court interpreters program.

Prior to her work with the Alameda courts, Fox owned and managed a successful management consulting firm that provided organization, operations, and policy/planning services to

public organizations. Serving the courts primarily, Fox's firm provided consulting services to a number of trial courts over a 10-year period.

Chief Justice George 'Person of the Year'

Chief Justice Ronald M. George was honored as the 1996 "Person of the Year" by the *Los Angeles Metropolitan News-Enterprise* at a dinner on January 10.

Also honored at the newspaper's annual awards banquet was Presiding Justice Mildred L. Lillie of the Court of Appeal for the Second Appellate District, Division Seven (Los Angeles), for her 50 years of judicial service. She was the first "Person of the Year" in 1983.

Both jurists began their judicial careers at the Los Angeles Municipal Court, moved up to the superior court, then to the



post of associate justice of the Second District Court of Appeal. Justice Lillie was appointed presiding justice of Division Seven in 1984, and Justice George ascended to the Supreme Court in 1991 and was appointed Chief Justice in 1996.

"Neither rank nor longevity of service is sufficient reason, in itself, to honor a person, noted *Metropolitan News-Enterprise* Co-Publisher Jo-Ann W. Grace in announcing the honorees. "Both of these jurists have provided extraordinary service, and both are held by the legal community in the highest esteem."

Preparing legal forms is an easy touch in Ventura

Ventura County residents are discovering that preparing legal forms can be fast and inexpensive, thanks to an innovative service provided at the Ventura Courthouse.

"QuickCourt," similar to an automated teller machine (ATM), offers the public the opportunity to prepare forms for such actions as divorce, child custody, child support, restraining orders, and small claims. The

multimedia touch-screen, voice, and video network gives specific instructions on the information individuals should enter into the computer. The forms, prepared by an internal laser printer, are ready for court filing. Dissolution of marriage forms cost \$30, while small claims forms are \$10. The machine accepts cash, credit cards, or ATM cards for payment.

The first of its kind in California, the "QuickCourt" kiosk is a joint venture of the Ventura County courts and North Communications of Marina Del Rey. First introduced by the Arizona court system, it caught the attention in 1994 of then-Presiding Judges Melinda A. Johnson of the Superior Court and John R. Smiley of the Municipal Court, who brought the idea back to Ventura. "QuickCourt" is located in the Law Library within the courthouse, which offers expanded service hours, including Saturdays, for public convenience.

So far, the service seems to be working, according to court Deputy Executive Officer Margie Borjon-Miller, who says "QuickCourt" users responding on comment cards at the kiosk have called the service and the technology "great." North Communications will be providing an assessment of the service in the near future, including statistics on the number of requests for different forms, she reports.

● Contact: Margie Borjon-Miller, Deputy Executive Officer, Ventura County Superior and Municipal Courts, 800 South Victoria Avenue, Ventura, CA 93006-6489, (805) 654-3620.

L.A. judges lead national judicial panels

Two Los Angeles County Superior Court judges are chairs of prestigious judicial organizations of the American Bar Association (ABA).

Judge Richard L. Fruin, Jr., is chair-elect of the ABA's Judicial Division and will assume the chair position in August. The division is the umbrella for six conferences: the Lawyers Conference, which Judge Fruin chaired as an attorney, and five special judicial conferences. As chair-elect, Judge Fruin has been assigned the responsibilities of budget officer and is also involved in planning the programs for the annual meeting in San Francisco July 31-August 4. Previewing ideas for his upcoming term as chair, Judge Fruin reports that he would like to see courthouses used as places to formally educate citizens about the judicial system. He also says he would like to see the eventual development of interactive CD-ROMs that would enable inter-



Courts Manager Tonna Siela demonstrates "QuickCourt" during the December 2, 1996, ceremony at which the kiosk was unveiled. Others present included Superior Court Presiding Judge Robert C. Bradley; Juvenile Presiding Judge Melinda A. Johnson; Municipal Court Presiding Judge Barry B. Klopfer; Court Executive Officer Sheila Gonzalez; North Communications Director of Sales Ralph Metz; North Communications "QuickCourt" Project Manager Robert McHenry; Law Librarian Jane Meyers; Law Library Board of Trustees member Vincent Woodward; and County Information Systems Department Director George Mathews.

ested persons to attend moot court sessions.

Judge David A. Horowitz began his year-term in August 1996 as chair of the National Conference of State Trial Court Judges, one of the Judicial Division's conferences. The conference addresses issues of concern to trial judges nationwide, including jury reform, judicial training, the effects and impact of three-strikes legislation, and discovery.



Judge Richard L. Fruin, Jr.



Judge David A. Horowitz

National honor for AOC's Ricci

The Academy of Family Mediators has selected Dr. Isolina Ricci, manager of the Statewide Office of Family Court Services at the Administrative Office of the Courts, to receive its Award for Distinguished Contributions to the Field of Mediation. Dr. Ricci was unanimously chosen by the academy's board of directors, which selects one individual or entity annually to receive the high honor.

The award will be presented to Dr. Ricci during the academy's annual conference in July in Massachusetts. She will also speak at the closing plenary session.

Dr. Ricci's pioneering concepts of the business-like working relationships between parents, two-home approach to divorced parents, and emphasis on the use of more positive terms for 'custody,' 'visitation,' and 'broken home' have become accepted standards in family mediation. She is the author of a seminal work in this field, *Mom's House, Dad's House*, now in its 24th printing, and *Mom's House, Dad's House II*, to be published this fall.



Dr. Isolina Ricci



Continued on page 19

And the Winners Are...

Eight innovative court programs are recipients of the Ralph N. Kleps Improvement in the Administration of the Courts Award, the most prestigious award presented by the Judicial Council to California's courts. Sixty-five programs, including this year's winners, have received the award since its inception in 1991.

Chief Justice Ronald M. George presented the awards during a luncheon on January 30

in San Francisco during the California Judicial Administration Conference. The recipients are pictured on these pages.



North Butte County Municipal Court—Court ReVia Alcohol Treatment Program: Court Executive Officer Sharol H. Strickland and Judge Darrell W. Stevens.



Los Angeles Municipal Court—First Impressions Project: Presiding Judge Mel Red Recana, Commissioner Nori Anne Walla, and Court Administrator Frederick K. Ohlrich.



Court of Appeal, Fourth District, Division Two (San Bernardino)—Volunteer Attorney Mediator Settlement Program: Presiding Justice Manuel A. Ramirez, Settlement Conference Coordinator Bea Farabee, and Principal Attorney Don Davio.



Orange County Superior Court—Volunteers CARE (Court Assistants Reaching Out With Empathy) Program: Presiding Judge Theodore E. Millard, Judge Richard O. Frazee, Mediation and Investigative Services Director Jan Shaw, Superior Court Manager Betty Shaffer, Volunteer Coordinator Carlton Saunders, Jr., and Executive Officer Alan Slater.



Shasta County Superior and Municipal Courts—Automated Integrated Justice System: Executive Officer Susan Null and Presiding Judge Wilson Curle.

Photos: Jo Fielder Photography

Custody

Continued from page 16

as the dynamics of the family, determine the quality of each parent-child relationship and can promote or hinder children's psychosocial adjustment and achievement.

Family Code sections 1850-1852 require the Judicial Council to provide statewide coordination of family mediation and conciliation services. The statutes include a program of grants to be established for research, study, and demonstration projects in certain

family law areas. To date, the council has funded 14 grants (including 3 for Ph.D. dissertations).

An Integrative Review of the Literature Pertinent to Custody for Children Five Years of Age and Younger has been distributed to family law judges, court-connected mediators and evaluators, and others. A companion pamphlet, *Report to Parents*, will be made available to courts for distribution to separating and divorcing parents of young children.

● Contact: For copies of *An Integrative Review of the Literature Pertinent to Custody for*

Children Five Years of Age and Younger and related materials, call the Publications Hotline, (415) 904-5980 (CALNET 8-539-5980), or 1-800-900-5980 (in California), or write the Statewide Office of Family Court Services, Administrative Office of the Courts, 303 Second Street, South Tower, San Francisco 94107. The report and related materials also can be downloaded from the judicial branch Web site at www.courtinfo.ca.gov under "Publications" from "Family Court Services." ■



San Diego Municipal Court—Simulated Courtroom Clerk Training: Presiding Judge Michael B. Orfield, Supervising Deputy Kathy Morton, Court Administrator D. Kent Pedersen, and Assistant Presiding Judge John L. Davidson.



Administratively Consolidated Courts of Riverside County—On-Line Access: Executive Officer Arthur Sims, Presiding Judge Ronald L. Taylor, Judicial Services Specialist Doris Duncker, and Judicial Services Information Systems Administrator Gary Whitehead.



South Bay Trial Courts (San Diego)—Coordination of South Bay Trial Courts—San Diego County: South Bay Municipal Court Presiding Judge Ernest Borunda, South Bay Municipal Court Administrator Stephen Thunberg, San Diego County Superior Court Executive Officer Kenneth Martone, and San Diego County Superior Court Presiding Judge William J. Howatt, Jr.

Special Awards Presented

Two innovative court programs received the 1997 Chief Justice's Special Award: (1) the Juror Transportation Program, sponsored by the Stanislaus County Trial Courts, County of

Stanislaus, and the cities of Stanislaus County, and (2) the Pro Per Clinic and "QuickCourt" Kiosk System, sponsored by the Ventura County Trial Courts.



Stanislaus County Superior Court Executive Officer Michael Tozzi and Assistant Presiding Judge John G. Whiteside accepted the award for the Juror Transportation Program. The program, which broadens access to the courts by improving public service, permits any Stanislaus County juror to use the juror summons as a complimentary bus pass on any carrier to and from jury duty.



Ventura County Family Law Bar Association President Susan Witting, Superior Court Presiding Judge Robert C. Bradley, and Superior and Municipal Courts Executive Officer Sheila Gonzalez accepted the award for the two programs that broaden access to the Ventura County courts. The weekly evening Pro Per Clinic offers easily accessible, accurate, concise information to pro per litigants. "QuickCourt" makes available small claims and family law forms, including petitions for dissolution, legal separation, nullity, and responses. (For more about the program, see "Preparing legal forms is an easy touch in Ventura," page 17.)

Photos: Jo Fielder Photography

Court Briefs

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First District's veteran principal attorney retires

Leland Johns, the principal attorney for the Court of Appeal, First Appellate District (San Francisco), retired in December after serving at the court longer than even the court's most senior judge. With the court for a quarter of a century, Johns, 63, served as the court's principal attorney for the past 17 years.

Johns has the distinction of having worked under four Administrative Presiding Justices, the administrations of four Chief Justices, four Administrative Directors of the Courts, and four Governors. During his tenure, 51 justices and countless pro tem judges served on the court.

Johns earned his J.D. at the University of Iowa in 1958. The author of numerous articles in books on all aspects of California law and practice, Johns won wide acclaim for *California Damages—Law and Proof* since its first edition.

S.F. courts' Carlson joins NACM board

Alan Carlson, chief executive officer for the San Francisco trial courts, was elected to the 1996-97 board of the National Association for Court Management (NACM) at the organization's 11th annual conference in Albuquerque.

NACM, the world's largest association of court professionals, is dedicated to promoting more effective court management through conferences, publications, and committee work.

Carlson, former assistant director for the Trial Court Services Division of the Administrative Office of the Courts, serves on the Judicial Council's Court Administrators Advisory Committee and Court Profiles Advisory Committee. A former president of the California Association of Superior Court Administrators (now the California Association for Trial Court Administration), he also is on the Board of Directors of the Community Boards Program of San Francisco, a community-based mediation service. ■

Corrections

Court News regrets the following errors in the December 1996-January 1997 issue:

- The name of Tulare Municipal Court Judge Elisabeth B. Krant was misspelled in the photo of Chief Justice Ronald M. George and the judges of the Tulare County courts.
- The Government Code section referred to in "Why Preserve Records?" (page 7) should have been sections 68150-68153, not section 69503.

Calendar

MEETING

MAY 16 Judicial Council meeting, Holiday Inn, Auburn.
● Contact: Secretariat and Conference Services, (415) 396-9347 (CALNET 8-531-9347), e-mail: jcservices@courtinfo.ca.gov.

EDUCATION

MAR 13–14 Computer Course for Judges, CJER.
MAR 20–22 Family Law and Procedure Institute, Los Angeles.
APR 3–4 Computer Course for Judges, CJER.
APR 10–12 Juvenile Law and Procedure Institute, Anaheim.
APR 17–18 Computer Course for Judges, Cerritos.
APR 23–26 Appellate Courts Institute, Palm Springs.
MAY 8–9 Computer Course for Judges, CJER.
MAY 8–10 Cow County Institute, Santa Cruz.
JUNE 8–20 B.E. Witkin Judicial College of California, Clark Kerr Campus, Berkeley.

Note: Orientation programs for new trial court judges, commissioners, and referees are scheduled as follows:
March 17–21
April 14–18
May 5–9

Sessions with insufficient enrollment will be canceled. Contact CJER for the latest information.
● Contact: Virginia Chang, (415) 356-6428 (CALNET 8-531-6428).

MAR 16–18 Judicial Administration Institute of California: Building Effective Management Teams, San Diego, Westgate Hotel.
APR 10 Sexual Harassment Awareness Pilot Project, Redding, Red Lion Inn.
APR 24–25 Appellate Management Institute, Sacramento, Holiday Inn.
MAY 12–13 Central Region Mid-Level Management Conference, Hyatt Regency, Monterey.
● Contact: Administrative Education, (415) 356-6427 (CALNET 8-531-6427).

DRUG COURT SYMPOSIUM

The California Drug Court Symposium will be held May 14 at the Regal Biltmore in Los Angeles. Details about the event will be announced as they become available.
The state conference will precede the National Association of Drug Court Professionals' (NADCP) Third Annual National Training Conference, which will be held May 15–17 also at the Regal Biltmore. The national conference is cosponsored by the California Association of Drug Court Professionals and the Administrative Office of the Courts.
● Contact: For information about the California Drug Court Symposium, Karen Moen in Administrative Education, (415) 356-6432 (CALNET 8-531-6432); for information about the National Training Conference, NADCP, (703) 706-0576.

COURT NEWS

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Chair, Judicial Council
Chief Justice
Ronald M. George

Administrative Director
of the Courts
William C. Vickrey

Public Information Officer
Lynn Holton

Managing Editor/Writer
Karen Ringuette

Copy Editor
Susan Mather

Graphic Design and Production
Suzanne Bean

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